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MATT BLUNT

SECRETARY OF STATE

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Dec. 29, 2000	Feb. 1, 2001	Feb. 28, 2001	March 30, 2001
Jan. 16, 2001	Feb. 15, 2001	Feb. 28, 2001	March 30, 2001
Feb. 1, 2001	March 1, 2001	March 31, 2001	April 30, 2001
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March 1, 2001	April 2, 2001	April 30, 2001	May 30, 2001
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June 29, 2001	Aug. 1, 2001	Aug. 31, 2001	Sept. 30, 2001
July 13, 2001	Aug. 15, 2001	Aug. 31, 2001	Sept. 30, 2001
Aug. 1, 2001	Sept. 4, 2001	Sept. 30, 2001	Oct. 30, 2001
Aug. 15, 2001	Sept. 17, 2001	Sept. 30, 2001	Oct. 30, 2001
Aug. 31, 2001	Oct. 1, 2001	Oct. 31, 2001	Nov. 30, 2001
Sept. 14, 2001	Oct. 15, 2001	Oct. 31, 2001	Nov. 30, 2001

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.020 Application for Temporary Permit. The board is proposing to amend sections (2) and (5), amend subsections (3)(A) through (3)(C) and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to comply with the provisions of House Bill 343 of the 90th General Assembly.

(2) An application for a temporary permit is not considered officially filed with the board until it has been determined by the board

or division staff to be complete and the application is submitted on the form provided by the board, typewritten or printed in black ink, signed, notarized and accompanied by the application fee for temporary permit *[pursuant to rules promulgated by the board, verification of respiratory care work experience,]* and a full set of fingerprints with the appropriate fee *[pursuant to rules promulgated by the board]*. All information should be received by the board within ninety (90) days of application.

(3) The applicant shall request and obtain on forms provided by the board verified *[evidence of]*—

(A) *[Performance of the duties of a respiratory care practitioner for the previous twelve (12) months as defined in section 334.800, RSMo and e]* Evidence of being a veteran of the United States military services with at least six (6) months respiratory care experience **during the previous eighteen (18) months** as a member of the military; or

(B) *[Performance of the duties of a respiratory care practitioner for the previous twelve (12) months as defined in section 334.800, RSMo and evidence of six (6) months respiratory care experience in a United States territory or foreign country;]* Evidence of licensure as a respiratory care practitioner under the laws of another state, the District of Columbia or a territory of the United States and evidence that an application for licensure as a respiratory care practitioner in this state has been submitted to the board; or

(C) *[Special on-the-job training and the performance of the duties of a respiratory care practitioner on August 28, 1996.]* Evidence of graduation from a nationally accredited respiratory care educational program.

(5) The applicant shall submit a full set of fingerprints on the form provided by the board with the appropriate fee pursuant to rules promulgated by the board*[, unless the applicant previously submitted fingerprints for an educational permit issued by the board]*.

AUTHORITY: sections 334.800, 334.840.2, 334.850 and 334.890.2[–4] and 3, RSMo [Supp. 1997] 2000. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Jan. 31, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.030 Application for [Temporary] an Educational Permit. The board is proposing to amend the Purpose statement,

sections (1), (2), and (5), and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to comply with the provisions of House Bill 343 of the 90th General Assembly.

PURPOSE: This rule outlines the procedure for application for [a temporary] an educational permit.

(1) A student enrolled in an accredited respiratory care educational program who seeks to provide respiratory care services outside the educational program must apply to the board for [a temporary] an educational permit. Application for [a temporary] an educational permit shall be submitted on the forms provided by the board and may be obtained by writing the board at 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102 or by calling (573) 522-5864. The TDD number is (800) 735-2966.

(2) An application for [a temporary] an educational permit is not considered officially filed with the board until it has been determined by the board or division staff to be complete and the application is submitted on the form provided by the board, typewritten or printed in black ink, signed, notarized, [and] accompanied by the application fee for [temporary] an educational permit [fee pursuant to rules promulgated by the board] and a full set of fingerprints with the appropriate fee [pursuant to rules promulgated by the board].

(5) The applicant shall submit a full set of fingerprints on the form provided by the board and the appropriate fee pursuant to rules promulgated by the board[, unless]. **The fingerprint requirement will be waived if the applicant previously submitted fingerprints for a temporary permit issued by the board within the year prior to application for an educational permit.**

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.890.1 and [334.890.4,] 334.890.3, RSMo [Supp. 1997] 2000. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Jan. 31, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 255-2.050 Inactive Status. The board is amending sections (2) and (4), adding a new section (5), and renumbering section (5).

PURPOSE: This amendment is proposed to define inactive status and the number of continuing education hours which are required for reactivation and requires any licensee who remains inactive for

ten (10) years or more to complete an entry level examination approved by the board prior to reactivation.

(2) Each inactive licensee shall provide the board, at the time of application for renewal of the inactive license, with a completed renewal form issued by the board that shall contain updated information since the preceding application/renewal period [and verification of completion of the required continuing education hours pursuant to rules promulgated by the board].

(4) If an inactive licensee wishes to return a license to active status [prior to the renewal time,] the licensee shall complete a renewal form and pay the renewal fee as stated in the rules promulgated by the board. **In addition, the licensee shall provide evidence of completion of at least twenty-four (24) hours of approved continuing education within the preceding two (2) years.**

(5) In addition to the requirements set forth in section (4) above, a licensee whose license is inactive for ten (10) years or more shall be required to successfully complete an entry level examination approved by the board prior to reactivation.

[[5]] (6) Applicants that are approved for inactive status renewal will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the board.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.880.1, 334.910 and 334.920, RSMo [Supp. 1999] 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed Jan. 31, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately \$780 during the sixth year of implementation of the rule and each year thereafter for the life of the rule. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 255 – Missouri Board for Respiratory Care

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 255-2.050 Inactive Status

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
2	Licensees Whose License is Inactive for 10 years or More (national exam fee)	\$780.00
Total annual cost for the life of the rule after six years of implementation of the rule		\$780.00

III. WORKSHEET

National Examination Fee @ \$390

IV. ASSUMPTIONS

1. Because the board has just completed its second renewal period, it anticipates two (2) individuals whose license has been inactive for a period of 10 years or more will annually apply to reactive their inactive license after six years of implementation of the rule. The private entity cost for this proposed amendment is estimated to be \$780 during the sixth year of implementation of the rule and each year thereafter for the life of the rule.
2. It is anticipated that the total cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements**

PROPOSED RESCISSION

4 CSR 255-2.060 Reinstatement. This rule outlined the process for reinstating a lapsed license to practice as a respiratory care practitioner.

PURPOSE: This rule is being rescinded and readopted to more clearly outline the process for reinstating a lapsed license to practice as a respiratory care practitioner.

AUTHORITY: sections 334.800, 334.840.2., 334.850, 334.870, 334.880.1., 334.910 and 334.920, RSMo Supp. 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Rescinded: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 255-2.060 Reinstatement

PURPOSE: This rule outlines the process for reinstating a lapsed license to practice as a respiratory care practitioner and complies with the provisions of House Bill 343 of the 90th General Assembly.

(1) Failure of a licensee to renew a license prior to the expiration of a license will result in the lapse of a license.

(2) A licensee whose license has been lapsed for fewer than thirty (30) days may obtain renewal of that license by mailing the complete renewal application pursuant to 4 CSR 255-2.040 and proper renewal fee to the board postmarked no later than the thirtieth day of lapse. Satisfactory explanation of the lapse will be presumed. The board at its discretion may not renew the license of any licensee who is subject to disciplinary action, but the board shall advise the licensee of the statutory right to file a complaint with the Administrative Hearing Commission (AHC).

(3) A licensee whose license has been lapsed for more than thirty (30) days but less than three (3) years may obtain renewal of that license by mailing the completed lapsed renewal application to the board. The lapsed renewal application shall be accompanied by the late renewal fee and the renewal fee for each year the license was lapsed in addition to the current renewal fee. In addition to verifi-

cation of completion of the required continuing education hours, the lapsed renewal application shall also include the following:

(A) A statement that the licensee is not presently practicing as a respiratory care practitioner in Missouri; and

(B) A statement indicating whether the licensee practiced as a respiratory care practitioner in Missouri while the license was lapsed and, if so, how long and where; and

(C) If the licensee was practicing as a respiratory care practitioner in Missouri while the license was lapsed, s/he shall submit a notarized statement indicating that s/he has ceased working as soon as s/he realized that the license was lapsed. In addition, the licensee shall cause his/her employer to submit a statement on the employee's letterhead stationary or a notarized statement indicating that the licensee ceased working as soon as s/he realized that the license was lapsed.

(4) Failure of the licensee to renew a license for a period of more than three (3) years after the expiration of the license, shall be treated in the same manner as a person who has never been licensed and must reapply for licensure under the licensing requirements in effect at the time the person applies to resume the practice of respiratory care. In addition, the applicant shall submit evidence of completion of at least twenty-four (24) hours of approved continuing education within the preceding two (2) years.

(5) Following review by the board, the licensee shall be informed in writing of the decision regarding the application for licensure.

(6) Licensees that are approved will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the board.

AUTHORITY: sections 334.800, 334.840.2., 334.850, 334.870, 334.880.2., 334.910 and 334.920, RSMo 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Rescinded and readopted: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated \$251.90 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$7,500 annually for the first seven years of implementation of the rule and thereafter is estimated to cost private entities \$7,652.16 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 255 – Missouri Board of Respiratory Care

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 255-2.060 Reinstatement

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Respiratory Care (reinstatement of a lapsed license)	\$251.90
Total annual cost for the life of the rule	
	\$251.90

III. WORKSHEET

REINSTATEMENT OF LAPSED LICENSES COST

Currently the board has 268 licensees holding a lapsed license status and 130 are anticipated to allow their license to lapse each biennial renewal period. It is estimated that 50 respiratory care practitioners will reinstate their license annually. The following is a breakdown of the expense and equipment costs associated with printing and mailing the renewal notices to licensees.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Notice Printing Cost	\$.15	50	\$7.50
Return Envelope for Licensee to Mail Renewal Notice	\$.16	50	\$8.00
Envelope for Board to Mail Renewal Notice to Licensee	\$.16	50	\$8.00
Postage for Mailing Renewal Notice	\$.33	50	\$16.50
License Printing Cost	\$.11	50	\$5.50
License Mailing Cost	\$.33	50	\$16.50

Total expense and equipment costs associated
with printing and mailing the renewal notices to licensees: **\$62.00**

Upon receipt of the application for reinstatement and supporting documentation the Licensure Technician II reviews the notice/documentation for compliance and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews any questions or problems on renewal notices and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review.

Staff resources are shared with another board. The figures below represent the personal service costs paid by the Missouri Board for Respiratory Care for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER NOTICE	COST PER NOTICE	TOTAL ANNUAL COST
Executive Director	\$12,348	\$16,145	\$7.77	.13	7 minutes	\$.91	\$118.30
Licensure Technician II	\$10,076	\$13,174.37	\$6.34	.11	5 minutes	\$.55	\$71.50
Total:							\$189.80

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$251.90 annual expenses for the review and approval of continuing education programs annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 30.75% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing reinstatement applications. The total cost was based on the cost per application multiplied by the estimated number of licensees who are anticipated to renew their license annually.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 255 – Missouri Board of Respiratory Care

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 255-2.060 Reinstatement

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
50	Reinstatement \$100 Biennial License Renewal Fee (licensees whose license lapsed more than 30 days but less than 3 years)	\$5,000.00
50	Reinstatement \$50 Late Renewal Penalty Fee (licensees whose license lapsed more than 30 days but less than 3 years)	\$2,500.00
1	Reinstatement \$65.00 Application for Licensure as a Respiratory Care Practitioner Fee (licensees whose license lapsed more than 3 years)	\$65.00
1	Reinstatement \$2.50 Application Notary Fee (licensees whose license lapsed more than 3 years)	\$2.50
1	Reinstatement \$.33 Postage to Mail Application (licensees whose license lapsed more than 3 years)	\$.33

1	Reinstatement \$50 Late Renewal Penalty Fee (licensees whose license lapsed more than 3 years – application fee)	\$50.00
1	Reinstatement \$14 Fingerprint Fee – paid directly to the Missouri Highway Patrol (licensees whose license lapsed more than 3 years – application fee)	\$14.00
1	Reinstatement \$20 – Verification fee verifying licensure in another state, the District of Columbia or territory of the United States of America (licensees whose license lapsed more than 3 years – application fee)	\$20.00
1	Reinstatement \$.33 – Postage for Verification form (licensees whose license lapsed more than 3 years – application fee)	\$.33
Total annual cost for the first seven years of implementation of the rule		\$7,500.00
Total annual cost during the eighth year of implementation of the rule for the life of the rule		\$7,652.16

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

1. The board anticipates 50 licensees whose license has been lapsed more than 30 days but less than 3 years will reinstate their license annually. The board estimates this process will cost private entities approximately \$7,500 annually for the life of the rule.
2. Since the board was created in 1998, no licenses have been lapsed for more than 10 years. The board is conservatively estimating that after the eighth year of implementation of the rule and annually thereafter, 1 licensee whose license has been lapsed for more than 10 years will reinstate their license. The board estimates this process will cost private entities approximately \$152.16 annually after the eighth year of implementation of the rule.
3. The private entity cost for this proposed amendment is estimated to be \$7,500 annually for first seven years of implementation of the rule and thereafter is estimated to cost private entities \$7,652.16 for the life of the rule. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

PROPOSED RESCISSION

4 CSR 255-4.010 Continuing Education Requirements. This rule detailed the continuing education that would be required for renewal of a license to practice as a respiratory care practitioner.

PURPOSE: This rule is being rescinded and readopted to more clearly detail the continuing education that will be required for renewal of a license to practice as a respiratory care practitioner.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, RSMo Supp. 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed June 2, 2000, effective Dec. 30, 2000. Rescinded: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 4—Continuing Education Requirements**

PROPOSED RULE

4 CSR 255-4.010 Continuing Education Requirements

PURPOSE: This rule details the continuing education that will be required for renewal of a license to practice as a respiratory care practitioner.

(1) As a condition for renewal of a license, all respiratory care practitioners are required to complete twenty-four (24) hours of approved continuing education in the practice of respiratory care as defined by section 334.800(11), RSMo in the continuing education reporting period preceding renewal of the license. The continuing education reporting period is the twenty-four (24)-month period beginning on August 1 of even numbered years and ending on July 31 of even numbered years. Continuing education hours earned after July 31 shall apply to the next continuing education reporting period. No more than twelve (12) hours credit will be awarded for home study during each continuing education reporting period. The licensee is exempt from continuing education requirements for the first renewal period after initial licensing.

(2) For the license renewal due on August 1, 2002, and each subsequent renewal thereafter, the licensee shall certify that s/he has obtained at least twenty-four (24) hours of continuing education during the continuing education reporting period preceding the license renewal on the renewal form provided by the board. The renewal form shall be mailed directly to the board office on or before the expiration date. The renewal form shall not be consid-

ered complete until all of the required information has been received by the board. The licensee shall not submit the record of continuing education attendance to the board except in the case of a board audit.

(3) A continuing education hour includes but is not limited to:

(A) Fifty (50) minutes of attendance in an approved meeting or program;

(B) Fifty (50) minutes of instruction in an approved in-service training program;

(C) Fifty (50) minutes of study in an approved home study course with a testing mechanism;

(D) Twenty-five (25) minutes of presentation in a program, conference or seminar. No credit shall be granted for any subsequent presentations on the same subject matter during the same renewal period; and

(E) Completion of academic course work in respiratory care with one (1) credit hour equaling twelve (12) continuing education hours.

(4) Programs approved by the American Association for Respiratory Care (AARC) and its state affiliates shall be considered automatically approved activities for completion of the continuing education hours.

(5) If a group or individual wants to sponsor a continuing education program relating to respiratory care that is not approved by the AARC, a request shall be submitted to the board's executive director not fewer than sixty (60) days prior to the date of the program. Once all information pertaining to the request has been received in the board office, the board shall review the request and then notify the sponsor whether approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

(A) Requests for approval of continuing education shall be submitted on a form provided by the board and shall include:

1. The type of educational activity;
2. The subject matter of the activity with objectives and goals;
3. The number of continuing education hours offered;
4. The names and qualifications of the instructors; and
5. The location, date and time of the activity.

(B) Once an application for approval has been granted by the board, reapproval shall not be required for each subsequent presentation of the educational activity so long as the educational activity has not changed. If any portion of the activity has changed, reapplication must be made.

(6) Continuing education hours shall not be awarded for regular work activities, administrative staff meetings, case staffing or reporting, membership in or holding office in, or participation on boards or committees, business meetings of professional organizations, or training specifically related to policies and procedures of an agency. Exceptions to this rule are in-service training programs approved by the board.

(7) A licensee shall be responsible for maintaining his/her records of continuing education activities. Each licensee shall maintain for a period of not less than the preceding two (2) continuing education reporting periods prior to renewal, documentation verifying completion of the appropriate number of continuing education hours for each renewal period.

(8) Upon request of the board, the licensee shall provide all documentation of completion of continuing educational activities. Documentation of the continuing education may consist of—

- (A) Certificates or affidavits provided by the program;
- (B) Receipts for fees paid to the sponsor;

(C) American Association for Respiratory Care or its successor organization(s) report of continuing education credits;

(D) Educational transcripts from an accredited respiratory care educational program; or

(E) A letter from the board showing approval of the continuing education hours and documentation of attendance at said program.

(9) Any licensee seeking renewal of a license or certificate without having fully complied with these continuing education requirements who wishes to seek a waiver of the requirements shall file with the board a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver of the continuing education requirements on the basis of such facts and, if desired, a request for an interview before the board. If the board finds from the statement or any other evidence submitted, that good cause has been shown for waiving the continuing education requirements, or any part thereof, the board shall waive part or all of the requirements for the renewal period for which the licensee has applied. At that time, the licensee will be requested to submit the required renewal fee.

(A) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the continuing education requirements during the applicable renewal period based on one of the following reasons:

1. Full-time service in the armed forces of the United States during a substantial part of the renewal period; or
2. An incapacitating illness; or
3. Undue hardship.

(B) If an interview before the board is requested at the time the request for waiver is filed, the licensee shall be given at least twenty (20) days written notice of the date, time and place of the interview.

(10) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a respiratory care practitioner depending on the licensee's conduct. In addition, a licensee who fails to complete and report in a timely fashion the required twenty-four (24) hours of continuing education and engages in the practice of respiratory care without the expressed written consent of the board shall be deemed to have engaged in the unauthorized practice of respiratory care.

AUTHORITY: sections 334.800, 334.840.2, 334.850, 334.880, 334.910 and 334.920, RSMo 2000. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed June 2, 2000, effective Dec. 30, 2000. Rescinded and readopted: Filed Jan. 31, 2001.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Board for Respiratory Care \$1,191.60 annually and \$16,158.72 biennially for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$75,504 during the first year of implementation of the rule with biennial increase of \$12,576 for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development
Division: 255 – Missouri Board for Respiratory Care
Chapter: 4 – Continuing Education Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 255-4.010 Continuing Education Requirements

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Cost of Compliance
Missouri Board for Respiratory Care (review of programs submitted by sponsoring organization)	\$1,191.60 (Annually)
Missouri Board for Respiratory Care (review of continuing education certificates submitted by licensees audited)	\$16,158.72 (Biennially)

**Total annual cost for
life of the rule \$1,191.60**

**Total biennial cost for
life of the rule \$16,158.72**

III. WORKSHEET

REVIEW AND APPROVAL OF CONTINUING EDUCATION PROGRAMS

Programs not approved by the American Association of Respiratory Care (AARC) and its state affiliates must submit requests for approval on forms provided by the board at least sixty days prior to the date of the program. The board estimates that approximately 240 requests for approval are received annually. The following is a breakdown of expense and equipment costs associated with the review and approval of continuing education programs.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Continuing Education Program Approval Application Printing Cost	\$.15	240	\$36.00
Envelope for Mailing Approval or Denial Letter to Sponsoring Organization	\$.16	240	\$38.40
Postage for Mailing Letter of Approval or Denial	\$.33	240	\$79.20
Supplies for Record Keeping (file folder, labels, etc)	\$.40	240	\$96.00

**Total Annual Expense and Equipment Costs Associated with the
Review and Approval of Continuing Education Programs: \$249.60**

The Licensure Technician II prepares the applications received from sponsoring programs for the Board's Vice Chair's review. It is estimated that the Vice Chair spends approximately 30 minutes to review each application. Upon approval the Licensing Technician II assigns the program a record number, adds the information to the licensing system and sends an approval letter to the sponsoring organization. If the Vice Chair's decision is to deny the request, the Licensing Technician II sends a letter of denial to the sponsoring organization and updates the board's records accordingly.

Staff resources are shared with another board. The figures below represent the personal service costs paid by the Missouri Board for Respiratory Care for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Licensure Technician II	\$10,076.	\$13,174.37	\$6.34	.11	30 minutes	\$3.30	\$792.00

Based on the above assumptions, it is estimated that the Vice Chair will spend approximately 3 days reviewing requests for approval annually. The board's Vice Chair will receive a per diem of \$50 per day for this review.

Total Annual Personal Service Costs Associated with the
Review and Approval of Continuing Education Programs: \$942.00

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$1,191.60 annual expenses for the review and approval of continuing education programs annually for the life of the rule.

CONTINUING EDUCATION CERTIFICATES SUBMITTED BY LICENSEES AUDITED BY BOARD

The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries. Currently 2622 respiratory care practitioners are licensed with the board. It is estimated that the board will biennially audit approximately 5% of its licensees and request verification of their attendance at approved continuing education programs. The board estimates a biennial growth rate of 20% in licensees, therefore, the board anticipates that 157 licensees will be audited during the 2002-2003 renewal period. An increased number of licensees will be audited during future renewal periods based on anticipated licensee growth.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Letterhead Printing Cost	\$.15	157	\$23.55
Envelope for Mailing Letter Requesting Verification of Continuing Education	\$.16	157	\$25.12
Postage for Mailing Request for Information	\$.33	157	\$51.81

Total Biennial Expense and Equipment Costs Associated with the
Auditing of Continuing Education Certificates Submitted by Licensees : \$100.48

The Licensure Technician II will request the information from licensees and monitor those verifications received. Upon receipt of the verification of attendance the Licensing Technician I will review the information received for compliance, update the computer licensing system and report any derogatory information to the Executive Director. The Executive Director will then place the information on the Board's meeting agenda for review by the full board. It is estimated that during the 2002-2003 renewal period the board will audit 157 licensees, of which 79 will require the attention of the Executive Director.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$12,348	\$16,145	\$7.77	.13	7 minutes	\$.91	\$71.89
Licensure Technician II	\$10,076	\$13,174.37	\$6.34	.11	15 minutes	\$.55	\$86.35
						Total	\$158.24

It is the board's assumption that 79 licensees will not submit the verification of their attendance at approved continuing education hours and an investigator will be required to visit the licensee and obtain the requested verification. Due to the various geographic locations of licensees who may not comply with the board request for information, which will require an investigator to obtain the information in person, it is not possible to accurately estimate the cost the investigator could incur while conducting an investigation.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Investigation Cost to Acquire Information from Licensees	\$200	79	\$15,800.00
			Total \$ 15,900.48

It is estimated that the Missouri Board for Respiratory Care will incur approximately \$16,158.72 biennial personal service expenses for the review and approval of continuing education programs annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 30.75% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The board estimates this amendment will cost the Missouri Board for Respiratory Care \$1,191.60 annually for the life of the rule and \$16,158.72 biennially for the life of the rule. The total cost will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 255 - Missouri Board of Respiratory Care

Chapter: 4 - Continuing Education Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 255-4.010 Continuing Education Requirements

Prepared November 22, 2000 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate cost of compliance with the rule by the affected entities:
3146	Continuing Education Hours (\$10.00/2 hour program x 12 programs)	\$75,504

Total estimated cost of compliance for the life of the rule **\$75,504 during the first year of implementation of the rule with biennial increase of \$12,576.**

III. WORKSHEET

Continuing Education Cost to Licensee @ \$10.00 per program

IV. ASSUMPTIONS

1. Currently 2622 respiratory care practitioners are licensed with the board. The board estimates a growth rate of 524 in licensees during the 2002-2003 licensing period. Therefore, the board anticipates that 3146 licensees will be required to obtain 24 hours of continuing education for the 2002-2003 renewal period and that a continuous biennial growth rate of 20% will continue to recur for the life of the rule.
2. The board estimates that each licensee will incur an expense of \$10.00 per continuing education program and earn 2 hours per program. Therefore, the board estimates that this proposed rule will cost private entities approximately \$75,504 during the first year of implementation of the rule with biennial increase of \$12,576.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area

PROPOSED AMENDMENT

10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning. The commission proposes to amend the Purpose, section (1), add new sections (2), (4) and (5), renumber and amend original section (2) to section (3) and delete original sections (3), (4), (5), (6) and (7). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: The purpose of this amendment is to require specific vapor pressure limits on solvents used in cold cleaning operations. The low vapor pressure requirements will reduce the rate of evaporation of cold cleaning solvents to the atmosphere. Most cold cleaning solvents are classified as volatile organic compounds, which participate in the formation of ground level ozone. Ground level ozone is a criteria pollutant for which a national ambient air quality standard exists. The Kansas City metropolitan area is a maintenance area for the one-hour ozone standard. This amendment is intended to satisfy a portion of the contingency requirements of the ozone maintenance plan. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the Kansas City Ozone Maintenance Plan adopted February 3, 1998, Section 175A of the Clean Air Act, the April 11, 2000 letter from the U.S. Environmental Protection Agency (EPA) to the Missouri Governor, and the August 22, 2000 letter from the Missouri Governor to the EPA. Both the Kansas City Ozone Maintenance Plan and Section 175A of the Clean Air Act include contingency provisions, which were triggered by violations of the one-hour ozone standard in 1995 and 1997. As requested in the EPA letter, the Governor's letter makes a commitment to implement several emission control strategies, including the control requirements encompassed by this rule, and to revise the Maintenance Plan accordingly.

PURPOSE: This [regulation] rule specifies equipment, operating procedures and training requirements for the reduction of hydrocarbon emissions from solvent metal cleaning operations in the Kansas City metropolitan area.

(1) Application.

(A) This [regulation] rule shall apply throughout Clay, Jackson and Platte Counties.

(B) This [regulation] rule shall apply to all installations which emit volatile organic compounds (VOC) from solvent metal cleaning or degreasing operations.

(C) This [regulation] rule applies to all processes which use cold cleaners, open-top vapor degreasers or conveyorized degreasers, using nonaqueous solvents to clean and remove soils from metal surfaces.

(2) Definitions.

(A) **Airless cleaning system**—A degreasing machine that is automatically operated and seals at a differential pressure of 25 torr (0.475 pounds per square inch (psi)) or less, prior to the introduction of solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

(B) **Air-tight cleaning system**—A degreasing machine that is automatically operated and seals at a differential pressure no greater than 0.5 pounds per square inch gauge (psig) during all cleaning and drying cycles.

(C) **Aqueous solvent**—Any solvent consisting of sixty percent (60%) or more by volume water with a flashpoint greater than ninety-three degrees Celsius (93°C) and is miscible with water.

(D) **Electronic components**—All portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

(E) **Freeboard area**—The air space in a batch-load cold cleaner that extends from the liquid surface to the top of the tank.

(F) **Freeboard height**—

1. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

2. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

3. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyorized degreasers.

(G) **Freeboard ratio**—The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

(H) **Medical device**—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

1. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

2. It is intended to affect the structure or any function of the body; or

3. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

(I) **Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.**

[(2)](3) **General Provisions.**

(A) No person shall cause or allow solvent metal cleaning or degreasing operation—

1. Without **adhering to** operating procedures as contained in this [regulation] rule and to recommendations by the equipment manufacturer;

2. Without the minimum operator and supervisor training as specified in this [regulation] rule; and

3. Unless the equipment conforms to the specifications listed in this [regulation] rule.

(B) [The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumed for a period of two (2) years. These records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require further record-keeping if necessary to adequately demonstrate compliance with this regulation. All these records shall be made available to the director upon his/her request.] **Equipment Specifications.**

1. Cold cleaners.

A. After August 30, 2002—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

B. After August 30, 2003—

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within Clay, Jackson and Platte Counties.

C. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-2.230, 10 CSR 10-2.290 and 10 CSR 10-2.340 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met.

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles.

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out.

(c) Spills during solvent transfer shall be wiped up immediately or managed in compliance with the Missouri Hazardous Waste Commission rules codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers.

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Paint spray gun and nozzle cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Paint spray guns and nozzles only may be cleaned in solvent-based materials capable of stripping hardened paint for cleaning, provided the container (not to exceed five (5) gallons in size) is kept tightly covered at all times except when accessing the container.

D. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

E. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counterweighting or by power systems):

(I) The solvent volatility is greater than 0.3 psi measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 psi measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred

degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

- (I) A freeboard ratio of at least 0.75;
- (II) Water cover (solvent must be insoluble in and heavier than water); or
- (III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counterweighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

- (I) A freeboard ratio of at least 0.75;
- (II) A refrigerated chiller;
- (III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);
- (IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or
- (V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

(I) A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

C. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

- (I) A refrigerated chiller;
- (II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or
- (III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

(C) [Definitions for key words used in this regulation may be found in 10 CSR 10-6.020.] Operating Procedures.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

C. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

- (I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or
- (II) Stored in closed containers for transfer to—
 - (a) A contract reclamation service; or
 - (b) A disposal facility approved by the director.

F. Waste solvent shall be stored in covered containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the degreaser.

B. Solvent carry-out shall be minimized in the following ways:

- (I) Parts shall be racked, if practical, to allow full drainage;
- (II) Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;
- (III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;
- (IV) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and
- (V) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down until trained service personnel are able to restore operation within the established parameters.

G. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

H. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator.

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

G. Waste solvent shall be stored in closed containers only.

H. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

(D) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their partic-

ular solvent metal cleaning process shall be permitted to operate the equipment.

2. The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

3. Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

[(3) Equipment Specifications.

(A) Cold Cleaners.

1. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will prevent the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

2. When one (1) or more of the following conditions exist, the design of the cover shall be such that it easily can be operated with one (1) hand and without disturbing the solvent vapors in the tank. For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems:

A. The solvent volatility is greater than 0.3 pounds per square inch measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

B. The solvent is agitated; or

C. The solvent is heated.

3. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

4. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 pounds per square inch (psi) measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

5. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause any splashing above or beyond the freeboard.

6. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

7. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

A. Freeboard height that gives a freeboard ratio greater than or equal to 0.7;

B. Water cover (solvent must be insoluble in and heavier than water); or

C. Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval of the director prior to their use.

(B) Open-Top Vapor Degreasers.

1. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand and without disturbing the solvent vapors in the tank. For covers larger than ten (10) square feet, easy cover use shall

be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

2. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil; or an equivalent safety device approved by the director.

3. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

A. A freeboard ratio of at least 0.75;

B. A refrigerated chiller;

C. An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

D. A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

E. A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

4. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

(C) Conveyorized Degreasers.

1. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

2. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

A. A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

B. A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

3. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

4. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

5. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

6. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

A. A refrigerated chiller;

B. Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

C. A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater

than or equal to sixty-five percent (65%) and prior approval by the director.]

[(4) Operating Procedures.

(A) Cold Cleaners.

1. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

2. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

3. Whenever a cold cleaner fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown immediately and shall remain shutdown until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

5. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

6. Waste solvent shall be stored in covered containers only.

(B) Open-Top Vapor Degreasers.

1. The cover shall be kept closed at all times except when processing workloads through the degreaser.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage;

B. Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

C. Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

D. Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

E. Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

3. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

4. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

5. Spray shall never extend above vapor level.

6. Whenever a vapor degreaser fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown until trained service personnel are able to restore operation within the established parameters.

7. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

8. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

9. Water shall not be visually detectable in solvent exiting the water separator.

10. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

11. Waste solvent shall be stored in covered containers only.

(C) Conveyorized Degreasers.

1. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage; and

B. Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

3. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this regulation, the unit shall be shutdown immediately and shall remain shutdown until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser shall be shutdown until the leaks are repaired.

5. Water shall not be visually detectable in solvent exiting the water separator.

6. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shutdown and removed just before they are started up.

7. Waste solvent shall be stored in covered containers only.

8. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

B. Stored in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.]

(4) Reporting and Record Keeping.

(A) The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumption. These records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. Records shall be made available to the director upon request.

(B) After August 30, 2002, all persons subject to the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I), and

(3)(B)1.B.(III) of this rule shall maintain records which include for each purchase of cold cleaning solvent:

1. The name and address of the solvent supplier;

2. The date of purchase;

3. The type of solvent; and

4. The vapor pressure of the solvent in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(C) After August 30, 2002, all persons subject to the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II), and (3)(B)1.B.(IV) of this rule shall maintain records which include for each sale of cold cleaning solvent:

1. The name and address of the solvent purchaser;

2. The date of sale;

3. The type of solvent;

4. The unit volume of solvent;

5. The total volume of solvent; and

6. The vapor pressure of the solvent measured in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(D) A record shall be kept of solvent metal cleaning training for each employee.

(E) All records required under subsections (4)(A), (4)(B), (4)(C) and (4)(D) of this rule shall be retained for five (5) years and shall be made available to the director upon request.

[(5) Operator and Supervisor Training.

(A) Only persons trained in at least the operational and equipment requirements specified in this regulation for their particular solvent metal cleaning process shall be permitted to operate the equipment.

(B) The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

(C) Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

(D) A record shall be kept of solvent metal cleaning training for each employee.]

(5) Test Methods. (Not applicable)

[(6) Effective Dates of Compliance.

(A) Owners or operators subject to this regulation shall be in compliance with operating procedures and operator and supervisor training requirements as described in sections (4) and (5) of this regulation no later than June 1, 1979.

(B) Owners or operators subject to this regulation shall comply with equipment specifications as described in section (3) of this regulation and associated equipment operating procedures by June 11, 1980.]

[(7) Exceptions.

(A) Solvent metal cleaning operations using 1,1,1-trichloroethane (methyl chloroform) or trichlorotrifluoroethane (Refrigerant 113) will be exempt from the requirements of this regulation. This exemption does not relieve the owners or operators from compliance with other applicable regulations of the department.

(B) 1,1,1-trichloroethane (methyl chloroform) and trichlorotrifluoroethane (Refrigerant 113) have been implicated as having deleterious effects on stratospheric ozone and therefore, may be subject to future regulations.]

AUTHORITY: section 643.050, RSMo [1986] 2000. Original rule filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed July 1, 1987, effective Dec. 12, 1987. Amended: Filed Jan. 29, 2001.

PUBLIC COST: This proposed amendment will cost \$76,738 in FY2003 and \$76,406 in FY2004. For the years after FY2004, the total annualized aggregate cost is \$80,284 for the life of the rule. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost \$1,803,964 in FY2003 and \$2,208,936 in FY2004. For the years after FY2004, the total annualized aggregate cost is \$2,253,114 for the life of the rule. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 26, 2001. The public hearing will be held at the Governor Office Building, Ballroom #450, 200 Madison Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 3, 2001. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**Title: 10- Department of Natural ResourcesDivision: 10- Air Conservation CommissionChapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan AreaType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources, Kansas City Regional Office	\$1,167,098
Kansas City Department of Health, Air Pollution Control Section	\$1,167,098

Note: These aggregate costs are based on an estimated 30-year life of the rule.

III. WORKSHEET

The public entity costs are based on two additional full-time employees (FTE) required to complete inspections of both suppliers and users of cold cleaning solvents. One FTE will be located at the Missouri Department of Natural Resources' Kansas City Regional Office (KCRO) and one FTE will be located at the Kansas City Department of Health, Air Pollution Control Section.

Fiscal year 2003 salaries are for Environmental Specialist I (ES I) positions. After one year of service, positions are upgraded to Environmental Specialist II (ES II).

First Fiscal Year (2003)

Monthly Salary for ES I: \$2,097

Annual salary for ES I: \$25,163

Fringe benefits: 26.4% of annual salary, or \$6,643

One time costs for office furniture, supplies, computers, etc.: \$11,874

Rule will be effective for only last ten months of fiscal year 2003:

Annual salaries: $(\$25,163) \times (2 \text{ FTE}) \times (0.833) = \$41,922$ Annual fringe: $(\$6,643) \times (2 \text{ FTE}) \times (0.833) = \$11,067$ Fiscal year 2004

First two months of fiscal year 2004 will have ES I position. Last ten months of fiscal year 2004 will have ES II position. Additional increase in salary will be two steps on the pay grid plus one percent cost of living increase.

Monthly salary for ES II: \$2,595
Fringe for ES I: \$1,129 (2 months)
Fringe for ES II: \$6,850 (10 months)

Annual salary: $[(\$2,139/\text{month}) \times (2 \text{ months}) \times (2 \text{ FTE})] + [(\$2,595/\text{month}) \times (10 \text{ months}) \times (2 \text{ FTE})] = \$60,447$

Annual fringe: $[(\$1,129) \times (2 \text{ FTE})] + [(\$6,850) \times (2 \text{ FTE})] = \$15,958$

Fiscal Year 2005

Monthly salary for ES II: \$2,646
Annual fringe for ES II: \$8,384

Annual salary: $(\$2,646/\text{month}) \times (12 \text{ months}) \times (2 \text{ FTE}) = \$63,516$

Annual fringe: $(\$8,384) \times (2 \text{ FTE}) = \$16,768$

<u>Affected Entity</u>	<u>Fiscal Year 2003</u>	<u>Fiscal Year 2004</u>	<u>Fiscal year 2005</u>
Missouri Department of Natural Resources, KCRO			
-Salary	\$20,961	\$30,224	\$31,758
-Fringe (26.4%)	\$ 5,534	\$ 7,979	\$ 8,384
-One-time expenses*	\$11,874	\$ 0	\$ 0
Subtotal	\$38,369	\$38,203	\$40,142
Kansas City Department of Health	\$38,369	\$38,203	\$40,142
Total	\$76,738	\$76,406	\$80,284

* One time office expenses include office furniture, supplies, computers, etc.

The total annualized aggregate cost is \$80,284 for the life of the rule after fiscal year 2005.

IV. ASSUMPTIONS

1. Expansion positions are assumed to be entry level positions starting at the base fiscal year 2000 pay scale. Fiscal years beyond fiscal year 2000 were escalated based on a one percent cost of living increase.
2. Inspections are expected to occur at the cold cleaning suppliers and the emission sources. Suppliers and large industrial sources will be inspected once per year. Other sources will be inspected as frequently as possible given the large number of service and maintenance oriented sources.
3. One-time expenses include office furniture, supplies, computers, etc. and is the fiscal year 2000 one-time expense.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**Title: 10- Department of Natural ResourcesDivision: 10- Air Conservation CommissionChapter: 2- Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan AreaType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 10-2.210 Control of Emissions From Solvent Metal Cleaning**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 1600 small area sources	Maintenance operations, service operations, solvent suppliers	\$14,045,273
Industrial sources consisting of 13 large industrial facilities	Manufacturers	\$51,177,299

Note: These aggregate costs are based on an estimated 30-year life of the rule

III. WORKSHEET

The control of emissions from solvent metal cleaning will cost approximately \$810 per tons of controlled volatile organic compound (VOC) emission. The base year for this cost is 1998.

Large Stationary Sources

Total annual VOC emissions for the Kansas City Metropolitan Area from 13 large stationary sources of cold cleaning based on 1998 emissions data are 521.47 tons.

$$(521.47 \text{ tons}) \times (\$810/\text{ton}) = \$422,391 \text{ (Fiscal year 1998)}$$

Assume a two percent annual cost increase. First year of impact is fiscal year 2003.

$$(\$422,391) \times (1.02)^5 = \$466,353$$

During first year of impact in the Kansas City Metropolitan Area, the rule will be effective only last ten months of fiscal year 2003.

$$(\$466,353) \times (0.833) = \$388,472$$

$$\text{For fiscal year 2004, annual costs will be } (\$466,353) \times (1.02) = \$475,681$$

$$\text{For fiscal year 2005, annual costs will be } (\$475,681) \times (1.02) = \$485,194$$

Small Service and Maintenance Sources

Total 1998 daily VOC emissions from small service and maintenance sources also known as area sources located in the Kansas City Metropolitan Area are estimated to be 12.177 pounds per day based on the 1990 Base Year Emissions Inventory for the Kansas City Metropolitan Area ozone nonattainment area.

Total annual emissions from these sources are (sources are assumed to operate six days per week and fifty two weeks per year):

$$(6.09 \text{ tons/day}) \times (6) \text{ days/week} \times (52 \text{ weeks/year}) = 1,900.1 \text{ tons of VOC/year}$$

Annual costs for fiscal year 2003 assuming a two percent cost increase are:

$$(1,900.1 \text{ tons/year}) \times (\$810/\text{ton}) \times (1.02)^5 = \$1,699,270$$

During the fiscal year of impact (fiscal year 2003), the rule will be effective for only the last ten months.

$$(\$1,699,270) \times (0.833) = \$1,415,492$$

For fiscal year 2004, annual costs will be $(\$1,699,270) \times (1.02) = \$1,733,255$

For fiscal year 2005, annual costs will be $(\$1,733,255) \times (1.02) = \$1,767,920$

Summary of Aggregate Annual Costs

<u>Affected Category</u>	<u>Fiscal Year 2003</u>	<u>Fiscal Year 2004</u>	<u>Fiscal Year 2005</u>
Kansas City Metropolitan Area Large Stationary Sources	\$388,472	\$475,681	\$485,194
Small Service and Maintenance Sources	\$1,415,492	\$1,733,255	\$1,767,920
Total	\$1,803,964	\$2,208,936	\$2,253,114

For the years after fiscal year 2005, the total annualized aggregate cost is \$2,253,114 for the life of the rule.

IV. ASSUMPTIONS

1. The cost figure of \$810 per ton of VOC reduced from cold cleaning operations is a conservative estimate based on studies done in other states. This cost figure represents the high end of the spectrum of possible costs. Costs are the result of additional training for personnel operating cold cleaners and a slight increase in the cost per unit for lower vapor pressure cold cleaning solvents. Additionally, cost savings from the increased life span of the low vapor pressure cold cleaning solvents due to their inherent ability to evaporate at a slower rate than other cold cleaning solvents with higher vapor pressures. This cost saving could not be estimated and was not included in this fiscal note.
2. The VOC emissions from cold cleaning operations associated with small service and maintenance sources are estimated in the 1990 Base Year Inventory for the Kansas City Metropolitan Area ozone nonattainment area. The emissions estimates are based on an emissions factor of 87 pounds of VOC per employee per year. Total number of employees is for only those businesses that participate in activities associated with cold cleaning. Emissions estimates for future years are based on industrial growth projections.
3. Area source inventory based on 1997 Standard Industrial Classification and 1998 North American Industry Classification System (NAICS) Census Data. Point source inventory based on 1998 NAICS Census Data.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 1—Organization

PROPOSED AMENDMENT

10 CSR 25-1.010 Organization. The commission is amending sections (6) and (7).

PURPOSE: The state of Missouri is authorized by the Environmental Protection Agency (EPA) to implement the Resource Conservation and Recovery Act (RCRA) in the state of Missouri. The Missouri Department of Natural Resources is the state agency responsible for administering RCRA within the state. As changes are made to regulations implementing RCRA at the federal level, the department must make corresponding changes to the state program and subsequently request that the EPA update the state's authorization to administer RCRA in Missouri. The dates on which the department has requested authorization, and the dates on which the EPA approved the department's request, are included in this organizational rule. Some of these dates have occurred since the most recent occasion on which this rule was amended. Therefore, this amendment is intended to accurately reflect the dates on which the state of Missouri was authorized by the EPA to implement additional provisions promulgated by EPA under the Resource Conservation and Recovery Act.

(6) Additional information regarding the program is contained in the department's application to the EPA for authorization to administer the federal hazardous waste management program. Copies of the application are available for review at the department and program offices. The applications contain copies of applicable statutes, rules, forms, policies and procedures, the attorney general's legal opinion and a program description which were in effect at the time of the application. Missouri is authorized under Section 3006 of the federal Resource Conservation and Recovery Act. EPA approved the base program on November 20, 1985 (50 FR 4770), **effective December 4, 1985**. Program revisions were authorized on February 27, 1989 (54 FR 8190), effective April 28, 1989, *[and]* January 11, 1993 (58 FR 3497), effective March 12, 1993, **May 30, 1997 (62 FR 29301), effective December 30, 1997, May 4, 1999 (64 FR 23780), effective July 6, 1999, and February 28, 2000 (65 FR 10405), effective April 28, 2000**. The department continues to seek this authority to fulfill its duty under section 260.375(26), RSMo. (Note: Rules promulgated under 10 CSR 25 do not constitute the full scope of regulations governing persons who generate, transport or manage hazardous waste. Additional federal and state regulations may apply.)

(7) For those subsections in 10 CSR 25-3 through 10 CSR 25-16 *[marked Reserved,]* where the word **"Reserved"** follows the title of the subsection, the requirements of the corresponding federal subpart that is incorporated by reference in section (1) of the rule apply **without modification**. The **"Reserved"** designation indicates that the state reserves the right to modify the incorporated requirements. Where the word **"Reserved"** appears without a title, it indicates that the corresponding federal subpart is also reserved in the federal regulations for future additions.

AUTHORITY: sections 260.365, 260.370*l*, RSMo Supp. 1997*l* and 260.400, RSMo *[1994]* 2000. Original rule filed Sept. 7, 1998, effective Feb. 16, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 3—Hazardous Waste Management System:
General

PROPOSED AMENDMENT

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information. The commission is amending sections (1), (2) and (3).

PURPOSE: This rule references various definitions contained in the Missouri Hazardous Waste Management Law, section 260.360, RSMo. Because of changes made to this section of the law by the Missouri General Assembly, some of the numerical citations for those definitions that are referenced in this rule are no longer accurate. This amendment ensures that the statutory citations contained in the rule are accurate. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**, published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating this rule to incorporate by reference the 2000 CFR will ensure that the rule is current through the most recent edition of the CFR. This amendment would incorporate by reference any changes made to 40 CFR part 260, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part of the CFR during this time period and recommend that the commission amend this rule to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**. Portions of the following federal rules, and the corresponding **Federal Register** notice for each, are proposed for incorporation by reference in this amendment: Hazardous

Remediation Waste Management Requirements (63 FR 65874, November 30, 1998, part 260 only), and NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827, September 30, 1999, part 260 only).

*Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the **Code of State Regulations** need to be amended to implement these statutory changes.*

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 260. However, as noted above, only those changes to 40 CFR part 260 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in 40 CFR part 260, July 1, [1997] 2000, are incorporated by reference, subject to the following additions, modifications, substitutions or deletions:

(A) Except [as provided in subsections (2)(B) and (C) and section] where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation or statute that is referenced in 40 CFR parts 260–270, 273 and 279 and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule or statute. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

1. “Director” shall be substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” shall be substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” shall be substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7) and 260.390(7), RSMo,” shall be substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” shall be substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” shall be substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” shall be substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” shall be substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” shall be substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” shall be substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” shall be substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” shall be substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” shall be substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” shall be substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” shall be substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” shall be substituted for any reference to 40 CFR part 279.

17. “10 CSR 25-16.273” shall be substituted for any reference to 40 CFR part 273.

18. “Sections 260.350–260.434, RSMo” shall be substituted for “Subtitle C of RCRA Act,” or “RCRA” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo” shall be substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” shall be substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360/(17)/(21), RSMo,” shall be substituted for “solid waste within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360/(17)/(21), RSMo shall mean any spent materials, sludges, by-products, commercial chemical products or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo” shall be substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B) and 10 CSR 25-7.270(2)(B)” shall be substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2 or Section 3007(b) of RCRA.

24. “Owner/operator” shall be substituted for each reference to “owner and operator” and “owner or operator” in the 40 CFR parts incorporated in 10 CSR 25.

25. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 [and 10 CSR 25-11] are hazardous waste and are regulated under sections 260.350–260.434, RSMo and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.2, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or one gram (1 g) of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).

26. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action shall be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.

27. The rules of [grammetial] grammatical construction in 40 CFR 260.3 incorporated by reference in this rule shall also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25/;.

(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes or dele-

tions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(B) Definitions. (Reserved)

[(B)](C) 40 CFR part 260 subpart C, Rulemaking Petitions, is not incorporated in this rule. Not more than sixty (60) days after promulgation of the final federal determination, the department shall approve or disapprove all delistings granted under 40 CFR 260.20 or 40 CFR 260.22. If the department fails to take action within that sixty (60)-day time frame, the delistings shall be deemed approved; *and*].

[(C)](D) 40 CFR part 260 Appendix I is not incorporated in this rule.

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260-270, 273 and 279, and 49 CFR parts 40, 171-180, 383, 387 and 390-397.

(H) Definitions beginning with the letter H.

1. HSWA means the Hazardous and Solid Waste Amendments of 1984. These amendments were made to the Resource Conservation and Recovery Act by P.L. 98-616, November 8, 1984.

2. Hazardous constituent means any chemical compound listed in 40 CFR part 261 Appendix VIII as incorporated in 10 CSR 25-4.261. (This is different than the term hazardous waste constituent as defined in 40 CFR 260.10.)

3. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4 *[or 10 CSR 25-11,]* which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms.

4. Holocene means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene period to the present, approximately the previous twelve thousand (12,000) years.

5. Household hazardous waste means any household waste excluded from regulation as hazardous waste by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph (2)(H)3. of this rule.

(P) Definitions beginning with the letter P.

1. *[Postclosure]* **Post-closure** disposal facility means a hazardous waste management facility which has disposed of hazardous waste, and which is required by applicable state and federal laws and regulations to have a *[postclosure]* permit to **conduct post-closure activities, or to perform necessary post-closure activities under an enforceable document, as defined in 40 CFR 270.1(c)(7) and incorporated by reference in 10 CSR 25-7.270(1).**

2. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri Board of Architects, Professional Engineers and Land Surveyors.

(U) Definitions beginning with the letter U.

1. Universal waste means any of the hazardous wastes that are defined under the universal waste requirements of 10 CSR 25-16.273(2)(A)/9].

2. Used oil.

A. The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the following:

- (I) Lubrication/cutting oil;
- (II) Heat transfer;

(III) Hydraulic power; or

(IV) Insulation in dielectric transformers.

B. The definition of used oil at 40 CFR 260.10 is amended to exclude used petroleum-derived or synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil under 10 CSR 25.)

3. USGS means United States Geological Survey.

4. U.S. importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350-260.430, RSMo for wastes which the U.S. importer has arranged to be imported from a foreign country.

AUTHORITY: section 260.370, RSMo [Supp. 1997] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 4—Methods for Identifying Hazardous Waste

PROPOSED AMENDMENT

10 CSR 25-4.261 Methods for Identifying Hazardous Waste.
The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of the Environmental Protection Agency is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating this rule to incorporate by reference the 2000 edition of the CFR will ensure that this rule is both consistent with, and current through, the most recent edition of the CFR. This amendment would add to the rule all changes made to 40 CFR part 261, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part of the CFR during this time period and recommend that this rule be amended to incorporate by reference these changes, except that, as noted below, the amendment to the federal regulations which provides an exclusion from the definition of hazardous waste for comparable fuels is not proposed for incorporation into the state regulations. Portions of specific federal rules proposed for incorporation by reference in this proposed amendment, and the corresponding Federal Register notice for each, are as follows: Land Disposal Restrictions Phase IV rule (63 FR 28556, May 26, 1998, part 261 only), Hazardous Remediation Waste Management Requirements (63 FR 65874, November 30, 1998, part 261 only), and NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827, September 30, 1999, part 261 only).

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the Code of State Regulations need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 261. However, as noted above, only those changes to 40 CFR part 261 are incorporated by reference in the proposed amendment of this rule, with one exception. The changes to part 261 contained in the final rule

titled Revised Standards for Hazardous Waste Combustors (63 FR 33781, June 19, 1998) are not incorporated by reference.)

(1) The regulations set forth in 40 CFR part 261, July 1, [1997/2000, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, [and] 60 FR 7366, February 7, 1995, and 63 FR 33823, June 19, 1998, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person required to identify a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) **General.** The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. Material that is stored or accumulated in surface impoundments or waste piles is inherently waste-like as provided in 40 CFR 261.2(d) incorporated in this rule, and is a solid waste, regardless of whether the material is recycled;

2. A solid waste, as defined in 40 CFR 261.2, as incorporated in this rule, is a hazardous waste if it is a mixture of solid waste and one (1) or more hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, and has not been excluded from 40 CFR 261.3(a)(2), as incorporated in this rule, under 40 CFR 260.20 and 260.22, as incorporated in 10 CSR 25-3.260. However, mixtures of solid wastes and hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, are not hazardous wastes (except by application of 40 CFR part 261.3(a)(2)(i) or (ii), as incorporated in this rule) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is regulated under Chapter 644, RSMo, the Missouri Clean Water Law;

3. In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnote: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses or legitimately recycles the material in his/her manufacturing process";

4. Except as provided otherwise in 40 CFR 261.3(c)(2)(ii), as incorporated in this rule, any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate (but not including precipitation runoff) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.);

5. In addition to the requirements in 40 CFR 261.3 incorporated in this rule, hazardous waste may not be diluted solely for the purpose of rendering the waste nonhazardous unless dilution is warranted in an emergency response situation or where the dilution is part of a hazardous waste treatment process regulated or exempted under 10 CSR 25-7 or 10 CSR 25-9;

6. Fly ash that is not regulated under sections 260.200–260.245, RSMo or section 644.006–644.564, RSMo or is not beneficially reused as allowed under 10 CSR 80-2.020(9)(B), and fails TCLP is not subject to the exclusion at 40 CFR 261.4(b)(4) and shall be disposed of in a permitted hazardous waste facility;

7. In 40 CFR 261.4(a)(8)(i) incorporated in this rule, substitute "is a totally enclosed treatment facility" for "through completion of reclamation is closed";

8. 40 CFR 261.4(a)(11) is not incorporated in this rule;

9. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

/9./10. Household hazardous waste which is segregated from the solid waste stream becomes a regulated hazardous waste upon acceptance by delivery at a commercial hazardous waste treatment, storage or disposal facility. Any waste for which the commercial facility becomes the generator in this way shall not be subject to waste minimization requirements under 40 CFR 264.73(b)(9), as incorporated by 10 CSR 25-7.264(1), nor shall that facility be required to pay hazardous waste fees and taxes on that waste pursuant to 10 CSR 25-12.010;

/10./11. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the summary manifest reports required in 10 CSR 25-5.262(2)(D)1.;

/11./12. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by small quantity generators, incorporated in this rule are as follows:

A. The modification set forth in 10 CSR 25-3.260(1)(A)/23./25. applies in this rule in addition to other modifications set forth;

B. 40 CFR 261.5(g)(2) is not incorporated in this rule;

C. A process, procedure, method, or technology is considered to be on-site treatment for the purposes of 40 CFR 261.5(f)(3) and 40 CFR 261.5(g)(3), as incorporated in this rule, only if it meets the following criteria:

(I) The process, procedure, method or technology reduces the hazardous characteristic(s) and/or the quantity of a hazardous waste; and

(II) The process, procedure, method or technology does not result in off-site emissions of any hazardous waste or constituent; and

D. If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to 40 CFR 279.10(b)(3) as incorporated in 10 CSR 25-11.279;

/12./13. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;

/13./14. 40 CFR 261.6(a)(4) is amended by adding the following sentence: "Used oil that exhibits a hazardous characteristic and that is released into the environment is subject to the requirements of 10 CSR 25-3, 4, 5, 6, 7, 8, 9 and 13.";

/14./15. [40 CFR 261.9(b) is not incorporated in this rule:] **Provided they are managed in accordance with the requirements of 40 CFR 261.9 and 10 CSR 25-16.273, the following wastes are excluded from the requirements of 10 CSR 25-5.262 to 10 CSR 25-7.270:**

A. Batteries as described in 40 CFR 273.2 and as modified in 10 CSR 25-16.273(2)(A)2.;

B. Pesticides as described in 40 CFR 273.3 and as modified in 10 CSR 25-16.273(2)(A)3.;

C. Mercury switches as described in 10 CSR 25-16.273(2)(A)4.A., mercury containing thermometers and manometers as described in 10 CSR 25-16.273 (2)(A)4.B.; and

D. Lamps as described in 40 CFR 273.5.

/15./16. Recyclable materials that meet the definition of used oil in 40 CFR 260.10 as incorporated in 10 CSR 25-3.260(1), shall be managed in accordance with 10 CSR 25-11.279 and applicable portions of 10 CSR 25-3.260–10 CSR 25-9.020; and

/16./17. The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An owner/operator of a facility that uses, reuses or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule.

(B) Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes. (Reserved)

(C) Characteristics of Hazardous Waste. (Reserved)

(D) Lists of Hazardous Wastes. The following are additions or changes to the lists in 40 CFR part 261 subpart D, incorporated in this rule:

1. Hazardous waste identified by the Environmental Protection Agency (EPA) hazardous waste number F020, F023 or F027 is hazardous waste even if highly purified 2,4,5-trichlorophenol is used. Therefore, the following language is deleted from 40 CFR 261.31 incorporated in this rule:

A. In F020, delete the words "(This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)";

B. In F023, delete the words "(This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)"; and

C. In F027, delete the words "(This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)";

2. Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill of waste listed in F020, F021, F022, F023, F026 or F027 (including the changes made in 10 CSR 25-4.261(2)(D)1.), regardless of the quantity or time of the spill or release, is an acutely hazardous waste and is designated the Missouri hazardous waste number MH01. Note: This does not include hexachlorophene soap rinses resulting from medicinal uses.);

3. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is an acutely hazardous waste and is designated the Missouri hazardous waste number MH02. Without regard to any quantity specified in 40 CFR 261.5, as incorporated and modified in paragraph (2)(A)10. of this rule, if a generator generates less than one gram (1 g) of 2,3,7,8-TCDD in a calendar month and does not accumulate one gram (1 g) of 2,3,7,8-TCDD at any one time, that generator shall manage that hazardous waste in accordance with subsection 260.380.2, RSMo. When a generator generates one gram (1 g) of 2,3,7,8-TCDD in a calendar month or accumulates at least one gram (1 g) of 2,3,7,8-TCDD at any one time, that generator shall manage that hazardous waste in accordance with the provisions in 10 CSR 25[.];

4. 40 CFR 261.38 is not incorporated in this rule.

AUTHORITY: section 260.370, RSMo [Supp. 1997] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the *Federal Register* notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis

prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even without the cost savings associated with incorporation by reference of the changes to part 261 contained in the final rule titled Revised Standards for Hazardous Waste Combustors (63 FR 33781, June 19, 1998), adoption of the remainder of the changes will result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. The Environmental Protection Agency's determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 5—Rules Applicable to Generators of
Hazardous Waste

PROPOSED AMENDMENT

10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste. The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations** (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal

regulations. Updating this rule to incorporate the 2000 CFR will ensure that it is current through the most recent edition of the CFR. This amendment would add to this rule changes made to 40 CFR part 262, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to part 262 of the CFR during this time period and recommend that this rule be amended to incorporate by reference these changes.

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the **Code of State Regulations** need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 262. However, as noted above, only those changes to 40 CFR part 262 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in [40] 49 CFR part 172, [March 20, 1997, 40 CFR part 265, July 1, 1994,] **October 1, 1999**, 40 CFR 302.4 and .5, July 1, [1997] **2000**, and [49] **40** CFR part 262, July 1, [1997] **2000** except Subpart H, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) A generator, except as conditionally exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the additional storage standards which are added to 40 CFR part 262 subpart C are found in subsection (2)(C) of this rule.)

(A) [Registration] **General.** The following registration requirements are additional requirements to, **or modifications of, the requirements specified in 40 CFR part 262 subpart A:**

1. In lieu of 40 CFR 262.12(a) and (c), a generator shall comply with the following requirements:

A. A person generating in one (1) month or accumulating at any one time the quantities of hazardous waste specified in 10 CSR 25-4.261 and a transporter who is required to register as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260–10 CSR 25-9.020 and 10 CSR 25-12.010; [and]

B. An out-of-state generator who utilizes a hazardous waste management facility within Missouri shall register before utilizing the facility;

C. A person generating hazardous waste on a “one-time” basis may apply for a temporary registration. A temporary registration shall be valid for one initial 30-day period with the possibility of an extension of one additional 30-day period. Should a temporary registration exceed the total 60-day

period outlined here, the department shall consider the registration to be permanent rather than temporary. Temporary, one-time registrations shall only be issued to Missouri generators. All reporting requirements and registration fees outlined in this chapter shall apply to temporary registrations; and

D. Conditionally exempt generators may choose to register and obtain EPA and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in this chapter;

2. An owner/operator of a treatment, storage, disposal or resource recovery facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person who is required to register shall file *[duplicate]* a completed registration form/s/ furnished by the department/. The department shall require an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the legally accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

B. A person required to register shall also complete and file an updated generator registration form if the information filed with the department changes; *[and]*

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment or disposal and to ensure proper hazardous waste management/./;

D. A person who is required to register, and those conditionally exempt generators who choose to register, shall pay a \$100 initial registration fee at the time their registration form is filed with the department. The department shall not process any form for an initial registration if the \$100 fee is not included. Generators shall thereafter pay an annual renewal fee of \$100 in order to maintain their registration in good standing; and

E. Any person who pays the registration fee with what is found to be an insufficient check shall have their registration immediately revoked;

4. The following constitutes the procedure for registration renewal:

A. The calendar year shall constitute the annual registration period;

B. Annual registration renewal billings will be sent on December 1 of each year to all generators holding an active registration;

C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

D. Any generator failing to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a \$50 administrative reinstatement fee in addition to the \$100 annual renewal fee;

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate

their registration, shall pay a \$50 administrative reinstatement fee in addition to the \$100 annual renewal fee; and

G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have their registration immediately revoked;

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

(B) The Manifest. This subsection sets forth requirements for manifest acquisition and use. Additional manifest and reporting requirements are set forth in subsections (2)(D) and (E). This subsection is applicable to all Missouri generators and to all other generators who deposit hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget (OMB).

1. The Missouri manifest form has its own set of instructions, these regulations do not allow the use of the continuation sheet, and these regulations require the manifest to be completed prior to shipping the hazardous waste off-site. *[Therefore, in 40 CFR 262.20(a), delete "and if necessary, EPA form 8700-22A" and substitute "Missouri manifest instructions" for "the Appendix to part 262." Add the following at the end of the paragraph: "A generator shall record all information required in 40 CFR 262.20 prior to shipment. When a shipment involves the use of more than two (2) transporters or more than four (4) hazardous wastes, a generator must complete EPA 8700-22/MDNR-HWG 10 or EPA 8700-22 forms in accordance with this rule in lieu of EPA form 8700-22A (continuation sheet)."]*

2. In addition to the requirements set forth in 40 CFR 262.20, the generator must record legibly the following additional information on the manifest prior to shipment and in accordance with instructions:

A. The Missouri hazardous waste manifest document number, which is the six (6)-digit Missouri generator identification number and the consecutive shipment number;

B. The actual site address (street, city, state and zip code) if different from the mailing address of the shipment's origin;

C. The license plate number for the waste-carrying portion of the vehicle used to transport waste, including the state of registration;

D. The transport company's identification number(s) assigned by the department and telephone number(s)/./;

E. The receiving facility's Missouri identification number if the designated facility is located in Missouri and the telephone number of the receiving facility;

F. The EPA hazardous waste number(s) for each waste material being shipped. If the waste(s) being shipped is a mixture of different EPA hazardous waste types as listed in 10 CSR 25-4.261, each EPA hazardous waste type found within the mixture shall be identified by its respective EPA hazardous waste number;

G. The Missouri waste code *[MP21] MH02* if the hazardous waste is 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) as listed in 10 CSR 25-4.261(2)(D)3./;

H. The Missouri waste code D098 if the hazardous waste is a used oil as described at 10 CSR 25-11.279(2)(I)1.B.; and

I. Either the total weight in kilograms or pounds or the specific gravity for wastes listed or measured in gallons, liters or cubic yards.

3. Any generator who is required to use the Missouri/EPA form 8700-22/MDNR-HWG 10 and who copies or prints his/her

own uniform manifest forms is subject to the following requirements in addition to the requirements of 40 CFR 262.21:

A. A generator shall ensure that the form is printed so that there is no displacement of information or alteration of the form;

B. The generator shall copy or print and attach the instruction sheets to the manifest form;

C. Generator information may only be added to the manifest form or instruction sheets in accordance with subparts (a) and (b) of 40 CFR part 262.21 and as follows:

(I) Any information requirements may be printed on the forms or instruction sheets except that the certification signature and acceptance signatures shall be handwritten and shall not be printed or stamped on the manifest; and

(II) Transporter safety information, treatment, storage or disposal information, and bill of lading information may be printed in the special handling instructions and additional information space or, if necessary, on the back of the manifest form;

D. Copy distribution and other general company information may be printed in the margin or on the back of the manifest form. The manifest shall be marked for copy distribution as follows:

First page (original)—to the department;

Second page—generator file copy;

Third page—treatment, storage or disposal facility final copy;

Fourth page—transporter number one;

Fifth page—optional (second transporter, other state); and

Sixth page—generator (shipment confirmation); and

E. A hazardous materials (HM) column in item 11 may be printed in accordance with United States Department of Transportation regulations in 49 CFR 172.201/, *March 20, 1984*. Organizational marks such as light lines or line identifiers are permitted to facilitate proper character placement of information.

4. This paragraph sets forth requirements for the use of the Missouri manifest or another state's manifest in different situations.

A. A Missouri generator who deposits hazardous waste out of Missouri but not in a foreign country shall use the receiving state's form equivalent to the EPA form 8700-22, if that state supplies and requires its use. Although another state's form is used, the generator shall record Missouri information on that state's manifest as specified under paragraph (2)(B)2. of this rule.

B. If a Missouri generator manages hazardous waste in another state and not a foreign country and the receiving state does not supply or require use of a specific state manifest, the generator shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.

C. Any person who imports hazardous waste into Missouri from a foreign country or who generates hazardous waste in Missouri and exports this hazardous waste to a foreign country shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.

D. Any Missouri generator and any out-of-state generator who deposits hazardous waste in Missouri shall acquire from the department and use the EPA 8700-22/MDNR-HWG 10 form except as provided otherwise in paragraph (2)(B)3. of this rule.

5. Missouri requires that a copy of the completed manifest be submitted to the department by an authorized representative of the generator. Therefore, in 40 CFR 262.22, substitute "two (2) copies" for "another copy."

6. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the hazardous waste was accepted by the initial transporter. A generator, in addition to this

requirement, and where applicable under paragraph (2)(D)2. of this rule, shall file exception reports.

(E) *[Special Conditions] Exports of Hazardous Waste.* This subsection modifies the incorporation of 40 CFR part 262 subpart E. The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit acknowledgements of consent to the exporter. In addition, the annual reports and exception reports required in 40 CFR 262.55 and 262.56, incorporated in this rule, shall be filed with the EPA administrator and copies shall be provided to the department. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262.51, 262.52, 262.53, 262.54, 262.55, 262.56 and 262.57, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies (for example, the federal Department of Transportation and the Bureau of the Census of the Department of Commerce).

(G) *Farmers. (Reserved)*

(H) **40 CFR 262, subpart H, Transfrontier shipments of hazardous waste for recovery within the OECD, is not incorporated in this rule.**

[(H)](I) Emergency Procedures. In the event of a spill of hazardous waste at the generator's site, where there is clear and imminent danger to humans or the environment, the generator shall take reasonable action to eliminate the danger. In the event of a spill of a reportable quantity of material under 40 CFR 302.4 and 302.5 (Note: this includes table 302.4), a generator shall notify the department in accordance with the notification procedure set forth in 10 CSR 24-3.010; *and*.

[(I)](J) Generator Fee and Taxes. A generator who is required to register under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010.

AUTHORITY: sections 260.370[, RSMo Supp. 1997] and 260.380, RSMo [1994] 2000. This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies and political subdivisions \$5,100 in the next fiscal year and annually thereafter. A detailed fiscal note with the relevant cost information has been filed with the secretary of state.

PRIVATE COST: This proposed amendment is estimated to cost private entities \$61,100 in the next fiscal year and annually thereafter. A detailed fiscal note with the relevant cost information has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.*

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Hazardous Waste Management Commission

Chapter: Rules Applicable to Generators of Hazardous Waste

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Large Quantity Generators	\$400
24	Small Quantity Generators	\$2400
23	Conditionally-Exempt Small Quantity Generators	\$2300
		TOTAL: \$5100

III. WORKSHEET

4. Public entities affected are those that are either required to maintain a generator registration with the department or who voluntarily choose to maintain a registration in order to obtain an ID number and who fail to pay the statutory \$100 registration renewal fee by the due date specified on the billing, or who request to be inactivated rather than pay the renewal fee, but later in the same registration year reactivate their registration.
5. These entities will be assessed a \$50 administrative fee in addition to the \$100 statutory renewal fee.
6. Costs within each category are calculated as follows:
 - Payment of the \$50 administrative fee to reinstate the registration plus 1 hour of staff time necessary to complete the required registration form, e.g. $\$50 + (1 \text{ hour of staff time at } \$50/\text{hr.}) = \$100$
 - $\$100 \times 4 \text{ Large Quantity Generators} = \400
 - $\$100 \times 24 \text{ Small Quantity Generators} = \2400
 - $\$100 \times 23 \text{ Conditionally-Exempt Small Quantity Generators} = \2300

IV. ASSUMPTIONS

1. Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
2. Fiscal year 2000 dollars are used to estimate the costs, and, since inflation cannot be accurately predicted, no adjustments are made for inflation.

3. Estimates assume a constant regulatory context which requires no reporting or standards beyond those currently required.
4. Estimates assume there will be no new or sudden changes in technology which would influence costs.
5. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good-faith estimates and averages using the department's professional judgement.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBERTitle: Department of Natural ResourcesDivision: Hazardous Waste Management CommissionChapter: Rules Applicable to Generators of Hazardous WasteType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 25-5.262 Standards Applicable to Generators of
Hazardous Waste**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
53	Large Quantity Generators	\$5,300
312	Small Quantity Generators	\$31,200
246	Conditionally-Exempt Small Quantity Generators	\$24,600
		TOTAL: \$61,100

III. WORKSHEET

- Private entities affected are those that are either required to maintain a generator registration with the department or who voluntarily choose to maintain a registration in order to obtain an ID number, and who fail to pay the statutory \$100 registration renewal fee by the due date specified on the billing, or who request to be inactivated rather than pay the renewal fee, but later in the same registration year reactivate their registration.
- These entities will be assessed a \$50 administrative fee in addition to the \$100 statutory renewal fee.
- Costs within each category are calculated as follows:
 - Payment of the \$50 administrative fee to reinstate the registration plus 1 hour of staff time necessary to complete the required registration form, e.g. $\$50 + (1 \text{ hour of staff time at } \$50/\text{hr.}) = \$100$
 - $\$100 \times 53 \text{ Large Quantity Generators} = \$5,300$
 - $\$100 \times 312 \text{ Small Quantity Generators} = \$31,200$
 - $\$100 \times 246 \text{ Conditionally-Exempt Small Quantity Generators} = \$24,600$

IV. ASSUMPTIONS

- Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
- Fiscal year 2000 dollars are used to estimate the costs, and, since inflation cannot be accurately predicted, no adjustments are made for inflation.

3. Estimates assume a constant regulatory context which requires no reporting or standards beyond those currently required.
4. Estimates assume there will be no new or sudden changes in technology which would influence costs.
5. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good-faith estimates and averages using the department's professional judgement.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

PROPOSED AMENDMENT

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities. The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating this rule to incorporate the 2000 CFR will ensure that it is current through the most recent edition of the CFR. This amendment would add to the rule changes made to 40 CFR part 264, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part during this time period and recommend that this rule be amended to incorporate by reference these changes. Portions of specific federal rules proposed for incorporation by reference in this proposed amendment, and the corresponding *Federal Register* notice for each, are as follows: *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement and Closure Process* (63 FR 56710, October 22, 1998, part 264 only), *Hazardous Remediation Waste Management Requirements* (63 FR 65874, November 30, 1998, part 264 only), and *NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors* (64 FR 52827, September 30, 1999, part 264 only).

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the *Code of State Regulations* need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 264. However, as noted above, only those changes to 40 CFR part 264 are incorporated by reference in the proposed amendment of this rule.)

[Editor's Note: EPA form 8700-22/MDNR-HWG 10 follows 10 CSR 25-7.270.]

(1) The regulations set forth in 40 CFR part 264, July 1, [1997 as amended at 62 FR 64636 through 62 FR 64671, December 8, 1997,] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. "Owner/operator," as defined in 10 CSR 25-3.260(2)(O)3., shall be substituted for any reference to "owner and operator" or "owner or operator" in 40 CFR part 264 incorporated in this rule.

(2) The owner/operator of a permitted hazardous waste treatment, storage or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

(A) [Applicability] **General.** This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart A.

1. A treatment permit is not required under this rule for a resource recovery process that has been certified by the department in accordance with 10 CSR 25-9.020. Storage of hazardous waste prior to resource recovery must be in compliance with this rule.

2. A permit is not required under this rule for an elementary neutralization unit or a wastewater treatment unit receiving only hazardous waste that is generated on-site or generated by its operator or only one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department compliance with the requirements in 10 CSR 25-7.270(2)(A)3.

3. Hazardous waste which must be managed in a permitted unit (for example, waste generated on-site and stored beyond the time frames allowed without a permit pursuant to 10 CSR 25-5.262, waste received from off-site, certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit which does not have a permit or interim status for that waste for a period which exceeds twenty-four (24) hours. This provision shall not apply to railcars held for the period allowed by, and managed in accordance with, 10 CSR 25-7.264(3) of this regulation. (Comment: The purpose of this paragraph is to allow necessary movement of hazardous waste into, out of, and through facilities, and not to evade permit requirements.)

4. 40 CFR 264.1(g)(11)(ii) is not incorporated into this rule.

(S) **Corrective Action for Solid Waste Management Units.** (Reserved)

(X) **Miscellaneous Units.** This subsection sets forth requirements in addition to 40 CFR part 264 subpart X incorporated in this rule.

1. A facility which continuously feeds hazardous waste into the treatment process shall be equipped with an automatic waste feed cutoff or a bypass system that is activated when a malfunction in the treatment process occurs. A bypass system shall return hazardous wastefeed to storage and shall not allow a discharge or release of hazardous waste.

2. Residuals of by-products from a treatment process (for example, sludges, spent resins) shall be analyzed during a trial period to determine the effectiveness of the treatment process.

AUTHORITY: sections 260.370, [RSMo Supp. 1997 and] 260.390 and 260.395, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities**

PROPOSED AMENDMENT

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities. The commission is amending section (1).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, the rules need to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations** (CFR). Currently, the regulations incorporate by reference the 1997 CFR, which includes changes

through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2000 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to 40 CFR part 265, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**. Portions of specific federal rules proposed for incorporation by reference in this proposed amendment, and the corresponding **Federal Register** notice for each are as follows: Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement and Closure Process (63 FR 56710, October 22, 1998, part 265 only), Hazardous Remediation Waste Management Requirements (63 FR 65874, November 30, 1998, part 265 only), and NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827, September 30, 1999, part 265 only).

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the **Code of State Regulations** need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 265. However, as noted above, only those changes to 40 CFR part 265 are incorporated by reference in the proposed amendment of this rule.)

[Editor's Note: EPA form 8700-22/MDNR-HWG 10 follows 10 CSR 25-7.270.]

(1) The regulations set forth in 40 CFR part 265, July 1, [1997, as amended at 62 FR 64636 through 62 FR 64671, December 8, 1997] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

AUTHORITY: sections 260.370, [RSMo Supp. 1997 and] 260.390 and 260.395, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to

result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 25—Hazardous Waste Management Commission

Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

PROPOSED AMENDMENT

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, the rules need to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of

EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2000 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to 40 CFR part 266, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**. Portions of the following federal rules, and the corresponding **Federal Register** notice, are proposed for incorporation by reference in this amendment: Land Disposal Restrictions Phase IV rule (63 FR 28556, May 26, 1998, part 266 only) and NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52827, September 30, 1999, part 266 only).

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 266. However, as noted above, only those changes to 40 CFR part 266 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in 40 CFR part 266, July 1, [1994, as amended at 59 FR 38536, July 28, 1994, 59 FR 43500, August 24, 1994, 59 FR 47982, September 19, 1994, 60 FR 25542, May 11, 1995, 60 FR 33914, June 29, 1995, 62 FR 6654, February 12, 1997, and 62 FR 32463, June 13, 1997] **2000**, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes, additions or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule. (Comment: This section has been organized so that all Missouri additions or changes to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to the management requirements for hazardous waste fuels, 40 CFR part 266 subpart D, are found in subsection (2)(D) of this rule.)

(C) **Recyclable Materials Used in a Manner Constituting Disposal.** In addition to the requirements in 40 CFR part 266 subpart C incorporated in this rule, a person who is marketing hazardous waste recyclable materials which would be used in a manner constituting disposal must obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.

(F) **Recyclable Materials Used for Precious Metals Recovery.** (Reserved)

(G) **Spent Lead-Acid Batteries Being Reclaimed.** In addition to the requirements in 40 CFR part 266 subpart G a person who reclaims materials from spent lead acid batteries shall obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.

1. Owners or operators of facilities that store spent batteries before reclaiming them are subject to the following requirements:

A. Notification requirements under section 3010 of RCRA;

B. All applicable provisions in subparts A, B (but not 40 CFR 264.13 (waste analysis)), C, D, E (but not 264.71 or

264.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of 40 CFR part 264, as incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A) through 10 CSR 25-7.264(2)(L);

C. All applicable provisions in subparts A, B (but not 40 CFR 265.13 (waste analysis)), C, D, E (but not 265.71 or 265.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of 40 CFR part 264, as incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(A) through 10 CSR 25-7.265(2)(L);

D. All applicable provisions in parts 270 and 124 of the CFR, as incorporated by reference in 10 CSR 25-7.270 and 10 CSR 25-8.124. (Note: The language printed at 10 CSR 25 7.266(2)(G)1.A.-D. above was originally incorporated by reference from 40 CFR 266.80(b), 1994 edition. The language is reprinted here because it was mistakenly omitted from subsequent editions of the *Code of Federal Regulations*.)

(H) **Hazardous Waste Burned in Boilers and Industrial Furnaces.** Additions, modifications and deletions to 40 CFR part 266 subpart H "Hazardous Waste Burned in Boilers and Industrial Furnaces" are as follow:

1. 40 CFR 266.100(b)(1) is not incorporated by reference in this rule;

2. Add the following provision to 40 CFR 266.100(c) incorporated in this rule: "The owner/operator of facilities that process hazardous waste solely for metal recovery in accordance with 40 CFR 266.100(c) shall be certified for resource recovery pursuant to 10 CSR 25-9.020";

3. In 40 CFR 266.101(c)(2) incorporated in this rule, delete "(c)(1) of" and in its place insert "(c)(1) and (d)(1) of"; and

4. 40 CFR 266.101 is amended by adding a new subsection (d) to 266.101 incorporated in this rule as follows: (d)(1) Treatment facilities. Owners/operators of permitted facilities that thermally, chemically, physically (that is, shredding, grinding, etc.) or biologically treat hazardous waste prior to burning must comply with 10 CSR 25-7.264(2)(X), and owners/operator of interim status facilities that thermally, chemically, physically (that is, shredding, grinding, etc.) or biologically treat hazardous waste prior to burning shall comply with 10 CSR 25-7.265(2)(P) and (Q). Owners/operators of permitted facilities which blend hazardous waste in tanks or containers prior to burning must comply with 10 CSR 25-7.264(2)(J)7., and owners/operators of interim status facilities that blend hazardous waste in tanks or containers prior to burning shall comply with 10 CSR 25-7.265(2)(J).

(M) **Military Munitions.** Additions, modifications and deletions to 40 CFR part 266 subpart M "Military Munitions" are:

1. Oral and written notifications required by 40 CFR 266.203(a)(1) shall be submitted to the department's emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director; and

2. Oral and written notifications required by 40 CFR 266.205(a)(1) shall be submitted to the department's emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director.

AUTHORITY: sections 260.370, [RSMo Supp. 1997 and] 260.390 and 260.395, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis

section of the *Federal Register* notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the *Federal Register* notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVill, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission

Chapter 7—Rules Applicable to Owners/Operators of Hazardous Waste Facilities

PROPOSED AMENDMENT

10 CSR 25-7.268 Land Disposal Restrictions. The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, the rules need to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2000 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made

to the corresponding parts of the federal regulations between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to 40 CFR part 268, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**. Portions of specific federal rules proposed for incorporation by reference in this amendment, and the corresponding **Federal Register** notice for each, are as follows: *Land Disposal Restrictions Phase IV rule* (63 FR 28556, May 26, 1998, part 268 only) and *Hazardous Remediation Waste Management Requirements rule* (63 FR 65874, November 30, 1998, part 268 only).

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 268. However, as noted above, only those changes to 40 CFR part 268 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in 40 CFR part 268, July 1, [1997] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Persons who generate or transport hazardous waste and owners/operators of hazardous waste treatment, storage and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions, changes or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(A) **General.** This subsection sets forth modifications to 40 CFR part 268 subpart A incorporated by reference in section (1) of this rule.

1. 40 CFR 268.1(f)(2) is not incorporated into this rule.

2. The state cannot be delegated the authority from the United States Environmental Protection Agency (EPA) to approve extensions to effective dates of any applicable restrictions, as provided in 40 CFR 268.5 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.5 as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.5 of the federal hazardous waste management regulations.

3. The state cannot be delegated the authority from the EPA to approve exemptions from prohibitions for the disposal of a restricted hazardous waste in a particular unit(s) based upon a petition demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit(s) for as long as the wastes remain hazardous as provided in 40 CFR 268.6 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.6 as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.6 of the federal hazardous waste management regulations.

(B) 40 CFR part 268 subpart B, **Schedule for Land Disposal Prohibition and Establishment of Treatment Standards**, is not incorporated in this rule.

(C) **Prohibitions on Land Disposal.** This subsection sets forth modifications to 40 CFR part 268 subpart C incorporated by reference in section (1) of this rule.

1. The waste specific prohibitions in 40 CFR 268.31 apply to the hazardous wastes identified by EPA hazardous waste numbers F020, F023 and F027 as amended in 10 CSR 25-4.261(2)(D)1.A.-C.

2. The waste specific prohibitions in 40 CFR 268.31 apply to the EPA hazardous waste numbers F020, F021, F022, F023, F026 and F027 as amended in 10 CSR 25-4.261(2)(D)2.

3. The hazardous waste identified by the Missouri hazardous waste number MP21 in 10 CSR 25-4.261(2)(D)3. may be disposed in a landfill or surface impoundment only if that unit is in compliance with the requirements specified in 40 CFR 268.5(h)(2) as incorporated in section (1) of this rule and all other applicable requirements of 10 CSR 25-7.264(1) incorporating by reference 40 CFR part 264 and 10 CSR 25-7.265(1) incorporating by reference 40 CFR part 265.

(D) **Treatment Standards.** This subsection sets forth modifications to 40 CFR part 268 subpart D incorporated by reference in section (1) of this rule.

1. The treatment standards in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA hazardous waste numbers F020, F023 and F027 apply to F020, F023 and F027 hazardous wastes as amended in 10 CSR 25-4.261(2)(D)1.A.-C.

2. The treatment standard in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA hazardous waste numbers F020, F021, F022, F023, F026 and F027 apply to these listed wastes as amended in 10 CSR 25-4.261(2)(D)2.

3. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal hazardous waste management regulations.

4. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous waste management regulations.

(E) Prohibitions on Storage. (Reserved)

AUTHORITY: sections 260.370, [RSMo 1997] 260.390, 260.395 and 260.400, RSMo [1994] 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact

Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 7—Rules Applicable to Owners/Operators of
Hazardous Waste Facilities

PROPOSED AMENDMENT

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program. The commission is amending sections (1) and (2) and removing two of the forms that follow the rule in the *Code of State Regulations*.

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of EPA is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2000 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to 40 CFR part 270, the corresponding part of the federal regulations, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*. Portions of specific federal rules proposed for incorporation by reference in this proposed amendment, and the corresponding *Federal Register* notice for each, are as follows: *Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement and Closure Process* (63 FR 56710, October 22, 1998, part 270 only), *Hazardous Remediation Waste*

Management Requirements (63 FR 65874, November 30, 1998, part 270 only), and *Revised Standards for Hazardous Waste Combustors* (63 FR 33782, June 19, 1998, part 270 only), and *NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors* (64 FR 52827, September 30, 1999, part 270 only).

Also, Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and eliminates the five categories of waste based on tonnage. Both of these changes require amendment of the existing hazardous waste regulations. Other changes which require modification of the existing rule include the increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. Various rules within Title 10, Division 25 of the *Code of State Regulations* need to be amended to implement these statutory changes.

(Note: Each of the federal rules listed above includes changes that affect CFR parts other than 40 CFR part 270. However, as noted above, only those changes to 40 CFR part 270 are incorporated by reference in the proposed amendment of this rule.)

(1) The regulations set forth in 40 CFR part 270, July 1, [1997, as amended at 62 FR 64636 through 62 FR 64671, December 8, 1997] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) The owner/operator of a permitted hazardous waste treatment, storage or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in this rule. (Comment: This section has been organized so that all Missouri additions, changes or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. [For] For example, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)

(D) Changes to Permit. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart D.

1. In addition to the requirements of 40 CFR 270.40(b), the department shall determine, in accordance with subsection (2)(H) of this rule, whether the proposed owner or operator, including an officer or management employee of the proposed owner or operator, is a person described in section 260.395.16[.], RSMo and whether any of the conditions specified in section 260.395.17[.], RSMo would exist if the proposed transfer were to take place.

2. "Revocation and reissuance" of a permit, as that term is used in 40 CFR part 270 incorporated in this rule shall mean the same as "total modification" as that term is used in 10 CSR 25-8.124.

3. The "termination" of a permit as used in 40 CFR part 270 incorporated in this rule shall mean the same as "revocation" of a permit as used in 10 CSR 25-8.124.

4. The director shall suspend, revoke or not renew the permit of any person to treat, store and dispose of hazardous waste if that person has had two (2) or more convictions in any court of the United States or of any state other than Missouri, or two (2) or more convictions within a Missouri court for crimes or criminal acts occurring after July 9, 1990, an element of which involves restraint of trade, price fixing, intimidation of the customers of any

person or for engaging in any other acts which may have the effect of restraining or limiting competition concerning activities regulated under Chapter 260, RSMo, the Resource Conservation and Recovery Act or similar laws of other states within any five (5)-year period. Convictions by entities which occurred prior to the purchase or acquisition by a permittee shall not be included. The permittee shall submit a written report to the department within thirty (30) days of the conviction or plea. The report shall include information explaining the charge(s) on which the permittee was convicted, the date(s) of the conviction(s), and the date(s) and charge(s) of previous convictions.

5. The owner/operator of a facility that has had his/her permit (issued under the provisions of sections 260.350—260.434, RSMo) revoked under section 260.379, RSMo may apply to the department for reinstatement of his/her permit after five (5) years has elapsed from the date of the last conviction of crimes or criminal acts as described in section 260.379, RSMo. The application must be in writing and accompanied by a reapplication fee, updated permit application and any other information the department deems necessary in order to reinstate the permit.

6. 40 CFR 270.42(j)(1) and 40 CFR 270.42(j)(2) are not incorporated in this rule.

(H) Habitual Violators. This subsection describes how the department shall determine whether a hazardous waste management facility permit applicant is an habitual violator for purposes of implementing section 260.395.16/., RSMo. This subsection applies to the issuance, reissuance or total modification of */a/* hazardous waste management facility permits, **excluding post-closure and corrective action only permits**, and to */a/* hazardous waste resource recovery *[facility]* facilities for the activities subject to permit requirements in 10 CSR 25-7.264.

1. The department shall consider the applicant's prior operating history pursuant to section 260.395.16/., RSMo during the review of an application for a permit to operate a hazardous waste management or commercial polychlorinated biphenyl (PCB) facility. All documentation required by this subsection shall be submitted along with the information specified in 40 CFR part 270 subparts B and D incorporated by reference in section (1) of this rule and modified in subsection (2)(B) of this rule, paragraph (2)(D)1. of this rule and 10 CSR 25-13.010(9)(B).

2. Definitions. The definitions in this paragraph apply to subsection (2)(H) of this rule.

A. Facility, for purposes of calculating violations as required in paragraph (2)(H)5. of this rule, means each permitted, licensed interim status, unpermitted or unlicensed hazardous waste management or commercial PCB facility, solid waste disposal area, solid waste processing facility, certified hazardous waste resource recovery facility, or solid or hazardous waste transporter or transfer station.

B. Person, in addition to the definition in section 260.360(17) RSMo, shall mean an officer or management employee of the applicant, any officer or management employee of any corporation or business which owns an interest in the applicant, any officer or management employee of any business in which an interest is owned by any person, corporation or business which owns an interest in the applicant, or any officer or management employee of any corporation or business in which an interest is owned by the applicant.

C. Management employee means any individual, including a supervisor, who has the authority to serve as an agent for the employer in that the employee has the authority to perform or effectively recommend any one (1) or more of the following actions: hiring, firing, assigning or directing other employees with respect to waste management operations.

D. Violation means any one (1) or more of the following actions or an equivalent action by this or another regulatory agency or competent authority in response to any violation of the Missouri solid or hazardous waste management law, the solid or hazardous

waste management law of another state or any federal law governing the management of solid waste, hazardous waste, PCB material or PCB units:

- (I) Final administrative order;
- (II) Final permit revocation;
- (III) Final permit suspension;
- (IV) Civil judgment against the applicant;
- (V) Criminal conviction; or
- (VI) Settlement agreement in connection with a civil action which has been filed in court.

E. Interest, as used in "owning an interest in," means having control of at least seven and one-half percent (7.5%) of an applicant or person as defined in subparagraph (2)(H)2.B. of this rule. This is determined by multiplying the percentages of ownership at each successive level and comparing this result to a seven and one-half percent (7.5%) cutoff level. For city, county, state, federal, and military-owned facilities, interest, or owning an interest in, is defined as one (1) level above or below the facility applying for the permit. (For example, a military-owned facility shall consider one (1) command level above the base on which the facility will be operated as having an interest in the facility. Likewise, the "command" shall consider itself as having an interest in all facilities within the command).

F. Habitual violator means a person who has failed the habitual violator test set out in paragraph (2)(H)5. of this rule.

3. For the purpose of this subsection, any administrative action or order, judgment or criminal conviction that has been ruled on appeal in favor of the applicant by a final decision of a competent authority will not be considered to be a violation. If the applicant has an appeal pending, the outcome of which will affect the issuance of a permit, the department shall delay issuance of the permit until a final decision is rendered.

4. The permit applicant shall submit the following information on the Habitual Violator Disclosure Statement form provided by the department, **incorporated by reference in this rule**, and published in the appendix to this rule as part of the permit application:

A. Names and addresses of all persons meeting any of the following criteria:

- (I) Any person who owns an interest in the applicant;
- (II) Any person in whom an interest is owned by any person who owns an interest in the applicant; and
- (III) Any person in whom the applicant owns an interest;

B. A list of all solid waste management, infectious waste management, commercial PCB management and hazardous waste management permits (Part A and Part B), licenses, certifications or equivalent documents held within the last ten (10) years by the applicant or any person(s) reported under subparagraph (2)(H)4.A. of this rule, for the operation or post-closure of a solid waste management, infectious waste management, commercial PCB or hazardous waste management facility, or a combination of these, as defined in subparagraph (2)(H)2.A. of this rule, in Missouri or in the United States and for each provide the following information:

- (I) Permit or identification number;
- (II) Type of permit, license, certification or equivalent document and dates held;
- (III) Name(s) of the person(s) to whom each permit, license, certification or equivalent document was issued;
- (IV) Address or location of each facility; and
- (V) Issuing agency;

C. The structure of the applicant in relation to any person(s) reported in accordance with subparagraph (2)(H)4.A.;

D. Names and addresses of the officers and management employees of any person(s) reported in accordance with subparagraph (2)(H)4.A.;

E. A list of all violations, including the identification of any action for which an appeal or final judgment is pending, as

defined in subparagraph (2)(H)2.D. of this rule cited within ten (10) years preceding the date of the permit application incurred by any persons required to be reported under subparagraph (2)(H)4.A. or (2)(H)4.D. of this rule. Each listing shall include the following information:

- (I) Dates of violations;
- (II) A brief description of each violation, including the type of regulatory action taken;
- (III) Statutory or regulatory references, or both, to each specific statute or administrative rule that was violated;
- (IV) Name and location of the facility cited; and
- (V) Name and address of the issuing agency, and name and address of any competent authority with final jurisdiction regarding each violation./;

F. A brief description of all incidents in which any person(s) reported under subparagraph (2)(H)4.A. or (2)(H)4.D. of this rule have been adjudged in contempt of any court order enforcing the provisions of any state's solid or hazardous waste laws, or federal laws pertaining to hazardous waste;

G. A listing of all facilities as defined at (2)(H)2.A. owned or operated by any person required to be reported at (2)(H)4.A. or (2)(H)4.D. A brief justification as to why the facility has been included on the listing; and

H. All other information requested by the department necessary for the department to conduct an evaluation of the overall operating history of the applicant.

5. The habitual violator test.

A. A total of calculated violations shall be determined by the following formula: Number of violations (as defined in subparagraph (2)(H)2.D. of this rule), occurring within the ten (10) years preceding the date of the permit application, incurred by any person required to be reported under (2)(H)4.A. or (2)(H)4.D., divided by the total number of facilities (as defined in subparagraph (2)(H)2.A. of this rule) equals the number of calculated violations.

Number of Violations	=	Calculated
Total Number of Facilities		Violations

B. If the total of calculated violations is two (2.0) or less, the applicant has passed the habitual violator test. If the total of calculated violations is greater than two (2.0), the department will notify the applicant of his/her score. Upon receipt of notification, the applicant shall have thirty (30) days to produce clear and convincing evidence to the department which demonstrates that the applicant is not an habitual violator. The department shall determine whether the evidence is clear and convincing for the purpose of the habitual violator determination. If the evidence produced by the applicant is not found to be clear and convincing, or if no evidence is produced, the department will determine the applicant to be an habitual violator, and the department will notify the applicant of permit denial. If the evidence produced by the applicant is found to be clear and convincing, the department may determine that the applicant has not failed the habitual violator test (if the department determines the applicant has failed, a notice of denial will be sent to the applicant by the department) only after the department has considered the following factors:

- (I) The nature and severity of violations;
- (II) Any substantial realignment of corporate structure or corporate philosophy, or both;
- (III) Any significant pattern of improved environmental compliance;
- (IV) The complexity of the facilities and the volume of waste handled; and
- (V) Any other relevant factors presented as evidence.

6. The department shall deny a permit for failure of the applicant to provide the required information or for submission of false information.

7. The department may deny a permit for failure of the applicant to provide complete information when submission of the information is required by this rule.

8. The department shall deny a permit if the applicant has failed the habitual violator test specified in paragraph (2)(H)5. of this rule.

9. The department shall not issue a permit to an applicant or a person who has offered in person or through an agent any inducement, including any discussion of possible employment opportunities, to any department employee when that person has an application for a permit pending or a permit under review. Distribution of job announcements from an applicant to the department, which are made in the regular course of business and are intended for general dissemination, shall not be considered improper inducements.

10. The department shall deny a permit if any person(s) reported in accordance with subparagraph (2)(H)4.A. or (2)(H)4.D of this rule has been adjudged in contempt of any court order enforcing the provisions of any state's solid or hazardous waste management laws, or federal laws pertaining to hazardous waste.

11. Any person aggrieved by a permit denial under this subsection may appeal the decision by filing a petition with the Missouri Hazardous Waste Management Commission within thirty (30) days of notice of denial. The appeal hearing shall be conducted in accordance with section 260.400, RSMo and 10 CSR 25-8.124(2).

AUTHORITY: sections 260.370, [RSMo Supp. 1997 and] 260.390 and 260.395, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the Federal Register notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the Federal Register notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille,

319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 8—Public Participation and General
Procedural Requirements

PROPOSED AMENDMENT

10 CSR 25-8.124 Procedures for Decision Making. The commission is amending sections (1)–(3).

PURPOSE: This proposed amendment updates the incorporation by reference of 40 CFR part 124 to the July 1, 2000 edition. The amendment also makes various corrections necessary to ensure that all citations are updated and accurate.

(1) Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. (Comment: This section has been organized so that Missouri requirements analogous to a particular lettered subpart in 40 CFR part 124 are set forth in the corresponding lettered subsection of section (1) of this rule. For example, the general program requirements in 40 CFR part 124 subpart A, with Missouri modifications, are found in subsection (1)(A) of this rule.)

(A) This subsection sets forth requirements which correspond to those requirements in 40 CFR 124 subpart A.

1. Purpose and scope. This subsection contains procedures for the review, issuance, class 3 modification, total modification, or revocation of all permits issued pursuant to sections 260.350 through 260.434, RSMo. Interim status is not a permit and is covered by specific provisions in 10 CSR 25-7.265 and 10 CSR 25-7.270. Class 1 or class 2 modifications, as defined in 40 CFR 270.41 or 40 CFR 270.43 as incorporated in 10 CSR 25-7.270, are not subject to the requirements of this subsection.

2. Definitions. In addition to the definitions given in 40 CFR 270.2 and 271.2, as incorporated in 10 CSR 25-7.270, the definitions below apply to this rule:

A. “Application” means the Environmental Protection Agency (EPA) standard national forms and the Missouri Hazardous Waste Management Facility Application Form for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in Missouri, including any approved modifications or revisions. It also includes the information required by the department under 40 CFR 270.14 through 270.29, as incorporated into 10 CSR 25-7.270;

B. “Draft permit” means a document prepared under paragraph (1)(A)6. of this rule indicating the department’s tentative decision to issue, modify in whole or in part, or reissue a “permit.” A denial of a request for modification, total modification or

revocation, as discussed in paragraph (1)(A)5. of this rule, is not a “draft permit” and is not appealable to the commission;

C. “Formal hearing” means any contested case held under section 260.400, RSMo;

D. “Public hearing” means any hearing on a preliminary decision at which any member of the public is invited to give oral or written comments;

E. “Revocation” means the termination of a permit;

F. “Schedule of compliance” means a schedule of remedial measures in a final permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with sections 260.350 through 260.434, RSMo;

G. “Total modification” means the revocation and reissuance of a permit;

H. “Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity; and

I. “Variance” means any variation from the Missouri Hazardous Waste Management Law as defined in section 260.405, RSMo.

3. Application for a permit.

A. Any person who requires a permit shall complete, sign, and submit to the department an application for each permit required under 40 CFR 270.1 as incorporated in 10 CSR 25-7.270. Applications are not required for permits by rule per 40 CFR 270.60, as incorporated in 10 CSR 25-7.270. The department shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. Permit applications shall comply with the signature and certification requirements of 40 CFR 270.11, as incorporated in 10 CSR 25-7.270.

B. The department shall review for completeness every application for a permit. Each application for a permit submitted should be reviewed for completeness by the department within forty-five (45) days of its receipt. Upon completing the review, the department will notify the applicant in writing whether the application is complete. If the application is incomplete, the department will list the information necessary to make the application complete. When the application is for an existing facility, the department will specify in the notice of deficiency a date for submitting the necessary information. The department will notify the applicant that the application is complete upon receiving the required information. After the application is completed, the department may request additional information from an applicant, but only as necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

C. If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied, and enforcement actions may be taken under the applicable statutory provisions of sections 260.350 through 260.434, RSMo.

D. The effective date of an application is the date the department notifies the applicant that the application is complete, as provided in subparagraph (1)(A)3.B. of this rule.

E. For each application the department will, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule will specify target dates by which the department intends to:

(I) Prepare a draft permit;

(II) Give public notice;

(III) Complete the public comment period, including any public hearing; and

(IV) Issue a final permit.

4. *Reserved.*

5. Modification, total modification, or revocation of permits.

A. Permits may be modified in part or in total, or revoked, either at the request of the permittee or of any interested person or

upon the department's initiative. However, permits may only be modified or revoked for the reasons specified in 40 CFR 270.41 or 40 CFR 270.43, as incorporated in 10 CSR 25-7.270. All requests shall be in writing and shall contain facts and reasons supporting the request.

B. If the department decides the request is not justified, a brief written response giving a reason for the decision shall be sent to the person requesting the modification. Denial of a request for revocation, modification or total modification is not appealable to the commission.

C. Tentative decision to modify.

(I) If the department tentatively decides to modify a permit in total or in part, a draft permit will be prepared according to paragraph (1)(A)6. of this rule incorporating the proposed changes. The department may request additional information and, in the case of a permit modification, may require the submission of an updated application. In the case of a total modification, the department will require the submission of a new application.

(II) In a permit modification under this paragraph, only those conditions to be modified shall be reopened when a draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is totally modified under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any total modification, the permittee shall comply with all conditions of the existing permit until a new, final permit is reissued.

(III) "Class 1 and 2 modifications" as defined in 40 CFR 270.42(a) and (b), as incorporated in 10 CSR 25-7.270, are not subject to the requirements of this section.

D. If the department tentatively decides to revoke a permit, the department will issue a notice and follow the requirements of paragraph (1)(A)15. of this rule.

6. Draft permits.

A. Once the technical review of an application is completed, the department shall tentatively decide whether to prepare a draft permit, or to deny the application.

B. If the department decides to deny the permit application, a notice of denial shall be issued. A notice of denial is subject to the same procedures as any final permit decision prepared under paragraph (1)(A)15. of this rule.

C. If the department decides to prepare a draft permit, the department will prepare a draft permit that contains the following information:

(I) All conditions under 40 CFR 270.30 and 270.32, as incorporated in 10 CSR 25-7.270;

(II) All compliance schedules under 40 CFR 270.33, as incorporated in 10 CSR 25-7.270;

(III) All monitoring requirements under 40 CFR 270.31, as incorporated in 10 CSR 25-7.270; and

(IV) Standards for treatment, storage, and/or disposal and other permit conditions under 40 CFR 270.30, as incorporated in 10 CSR 25-7.270.

D. All draft permits prepared under this paragraph will be accompanied by a fact sheet per paragraph (1)(A)8. of this rule, and made available for public comment per paragraph (1)(A)11./10. of this rule, issue a final decision per paragraph (1)(A)15. of this rule and respond to comments per paragraph (1)(A)17. of this rule. An appeal may be filed under section 260.395.11, and Chapter 536, RSMo and section (2) of this rule.

7. *Reserved.*

8. Fact sheet.

A. A fact sheet will be prepared for every draft permit. The fact sheet will briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The department will send this fact sheet to the applicant and to any person who requests a copy.

B. The fact sheet shall include, when applicable:

(I) A brief description of the type of facility or activity which is the subject of the draft permit;

(II) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;

(III) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

(IV) A description of the procedures for reaching a final decision on the draft permit including:

(a) The beginning and ending dates of the comment period under paragraph (1)(A)10. of this rule and the address where comments will be received;

(b) Procedures for requesting a hearing and the nature of that hearing; and

(c) Any other procedures by which the public may participate in the final decision; and

(V) Name and telephone number of a person to contact for additional information.

9. *Reserved.*

10. Public notice of permit actions and public comment period.

A. Scope.

(I) The department will give public notice that a draft permit has been prepared.

(II) No public notice is required when a request for permit modification, total modification, or revocation is denied. Written notice of that denial will be given to the requester and to the permittee.

B. Timing.

(I) Public notice of the preparation of a draft permit required under subparagraph (1)(A)10.A. of this rule will allow at least forty-five (45) days for public comment.

(II) Public notice of a public hearing will be given at least thirty (30) days before the hearing.

C. Methods. Public notice of a draft permit or intent to deny described in subparagraph (1)(A)10.A. of this rule will be given by the following methods:

(I) By mailing a copy of a notice to the following persons:

(a) The applicant;

(b) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, natural resource management plans, state historic preservation officers, including any affected states (Indian tribes); and

(c) Persons on a mailing list maintained by the facility which is developed by:

I. Including those who request in writing to be on the list;

II. Soliciting persons for "area lists" from participants in past permit proceedings in that area; and

III. Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals. The facility shall be responsible for maintaining and updating the mailing list. The department may require the facility to update the mailing list from time-to-time by requesting written indication of continued interest from those listed. The department may delete from the list the name of any person who fails to respond to such a request;

IV. Including all record owners of real property adjacent to the facility;

V. Including, for a post-closure disposal facility, all record owners of real property which overlie any known plume of contamination originating from the facility; and

VI. Including, for an operating disposal facility, all record owners of real property located within one (1) mile of the outer boundaries of the proposed facility;

(d) A copy of the notice shall also be sent to any unit of local government having jurisdiction over the area where the facility is proposed;

(e) The department will mail a copy of the legal notice, fact sheet and draft permit to the location where the permit application was placed for public review under subpart (1)(B)2.B.(II)(d) of this rule;

(II) Other publication.

(a) Publication of a legal notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

(b) For any active land disposal facility permit, a news release to the media serving the area where the facility is located; and

(III) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

D. Contents. All public notices issued under this subparagraph shall contain the following minimum information:

(I) Name and address of the department;

(II) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(III) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(IV) Name, address and telephone number of an agency contact person for further information, which may include copies of the draft permit, fact sheet, and the application;

(V) A brief description of the comment procedures, the time and place of any hearing that will be held, a statement of procedures for requesting a hearing (unless a hearing has already been scheduled) and any other procedures by which the public may participate in the final permit decision; and

(VI) Any additional information considered necessary or proper by the department.

11. Public comments and requests for public hearings. During the public comment period provided under paragraph (1)(A)10. of this rule, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues to be raised in the hearing. All comments shall be considered by the department in making the final decision and shall be answered as provided in paragraph (1)(A)17. of this rule.

12. Public hearings.

A. The department will hold a public hearing whenever a written request for a hearing is received within forty-five (45) days of the public notice. Whenever the department issues, reviews every five (5) years or renews an active hazardous waste land disposal facility permit, it shall hold a public hearing.

B. The department may hold a public hearing whenever there is significant public interest in a draft permit(s), whenever one or more issues involved in the permit decision could be clarified or at its discretion.

C. Whenever possible, the department will schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility.

D. Public notice of the hearing will be given as specified in paragraph (1)(A)10. of this rule.

E. Any person may submit comments or data concerning the draft permit. The department will accept oral comments during the hearing. Reasonable limits may be set on the time allowed for oral comments. Any person who cannot present oral comments due to time limitations will be provided an opportunity to present written comments. The public comment period under paragraph (1)(A)10. of this rule will automatically be extended to the close

of any public hearing if the hearing is held later than forty-five (45) days after the start of the public comment period.

F. A tape recording or written transcript of the hearing shall be made available to the public.

13. Obligation to raise issues and provide information during the public comment period. All persons, including applicants, who believe any condition of a draft permit is inappropriate shall raise all ascertainable issues and submit all available arguments supporting their position by the close of the public comment period under paragraph (1)(A)10. of this rule. Any supporting materials that are submitted shall be included in full and may not be incorporated by reference, unless they consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials available to the department upon the department's request.

14. *Reserved.*

15. Issuance and effective date of permit.

A. For purposes of this paragraph, a final permit decision means the issuance, denial, modification, total modification, or revocation of a permit. After the close of the public comment period described in paragraph (1)(A)10. of this rule on a draft permit, the department will issue a final permit decision. The department will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice will include reference to the procedures for appealing a decision. For active land disposal facility permits, the department also will send a news release announcing the final decision to the news media serving the area where the facility is located.

B. A final permit revocation decision will become effective thirty (30) days after the decision. A final permit issuance or denial will become effective on the date the decision is signed by the department.

16. *Reserved.*

17. Response to comments.

A. At the same time that any final permit decision is issued under paragraph (1)(A)15. of this rule, the department will issue a response to comments. This response shall:

(I) Specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the change; and

(II) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

B. The response to comments will be available to the public.

18. *Reserved.*

19. *Reserved.*

20. *Reserved.*

(2) Appeal of Final Decision.

(B) The applicant or any aggrieved person may appeal to the commission a final permit decision, a closure *[ban]* plan approval, a post-closure plan approval or any condition of a final permit, closure plan approval or post-closure plan approval by filing a notice of appeal with the commission within thirty (30) days of the decision. The notice of appeal shall set forth the grounds for the appeal. The appeal shall be limited to issues raised during the public comment period and not resolved in the final permit or approval to the applicant's or aggrieved person's satisfaction. Issues included in the notice of appeal outside those raised during the public comment period shall not be considered; however, the commission may consider an appeal of a condition in the final permit that was not part of the draft permit and therefore could not have been commented upon previously.

(3) Transporter License.

(A) Issuance or Denial of a Transporter License.

1. Upon receipt of a complete application for a transporter license, the department will determine whether the license conforms to the requirements of sections 260.385/, 260.395.1-260.395.6 and 260.395.16,] and 260.395, RSMo and 10 CSR 25-6, and serve on the applicant its decision issuing, with or without conditions, or denying the license. If the license is denied, the department will specify the reasons for the denial. No license will be issued until the fees required by section 260.395.1, RSMo have been paid.

2. The procedure for appealing a license, a denial of a license or any condition of a license shall be the same as the procedure for permit appeals under section (2) of this rule.

AUTHORITY: sections 260.370, [and RSMo Supp. 1997 and] 260.400, [and] 260.405 and 260.437 RSMo [1994] 2000. Original rule filed June 1, 1998, effective Jan. 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 9—Resource Recovery
PROPOSED AMENDMENT

10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes. The commission is amending sections (3) and (4) and adding a new section (5).

PURPOSE: Section 260.395.14, RSMo 2000 requires any person, before constructing, altering or operating a resource recovery facility in the state of Missouri, to apply for a certification from the Missouri Department of Natural Resources. Senate Bill 577, recently passed by the 2000 Missouri General Assembly, increased the application fee to obtain a resource recovery certificate, both for facilities that accept waste from off-site and facilities that only recycle waste on-site. Because various portions of this rule reference the applicable application fee, changes to the rule text are necessary in order to be consistent with the statutory change. The bill also added a provision to section 260.395, RSMo that requires applicants to pay to the Department of Natural Resources all reasonable costs, as determined by the Missouri Hazardous Waste

Management Commission, incurred by the department in reviewing the application for conformance with applicable laws, rules, and standard engineering principles and practices. The commission has previously defined the activities associated with engineering review of permit applications that are considered reasonable, and therefore reimbursable. These costs are currently defined in 10 CSR 25-12.010(3)(D). Because the costs associated with engineering review of resource recovery certification applications are similar to those associated with review of permit applications, the proposed amendment to 10 CSR 25-12.010 expands the determination to include these costs. The proposed amendment to this rule references the commission's previous determination.

(3) The owner/operator of a facility which uses, reuses, legitimately recycles or reclaims hazardous waste and is not exempted from certification requirements under section (2) of this rule shall apply for and operate in accordance with a resource recovery facility certification issued by the department.

(D) The owner/operator of a certified resource recovery facility shall submit a complete application for renewal of certification or a notification of intent to cease operations and close at least ninety (90) days prior to expiration of the prior certification. The owner/operator of a proposed non-exempt resource recovery facility shall submit a complete application at least ninety (90) days prior to construction and operation of the facility. Upon receipt of a complete application, the department will have ninety (90) days to issue a certificate for operation or to reject the application for stated cause. The resource recovery certification may be issued for no longer than two (2) years. The applicant may appeal the decision in accordance with 10 CSR 25-8. Operation of the resource recovery facility shall not occur until the resource recovery certification has been issued.

(4) The applicant for a resource recovery certificate shall submit a fee with the application per 10 CSR 25-12.010(3)(F). The fee shall cover each application for issuance or renewal and is not refundable. If the certificate is issued, the fee shall cover the full term of the original or renewal certificate. [The applicant shall pay the following fee in accordance with 10 CSR 25-12: If the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste for reuse on-site and does not accept waste from off-site, the fee shall be one hundred dollars (\$100); or, if the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste and accepts waste from off-site, the fee shall be five hundred dollars (\$500).]

(5) The applicant for a new or renewal resource recovery certificate shall pay all applicable costs for engineering and geological review per 10 CSR 25-12.010(3)(D).

AUTHORITY: sections 260.370, 260.395 and 260.437, RSMo [1994] 2000. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities \$29,980.86 in the next fiscal year and annually thereafter. A detailed fiscal note with the relevant cost information has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille,

319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

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Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Natural Resources

Division: Hazardous Waste Management Commission

Chapter: Resource Recovery

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: ¹
39	Certified Resource Recovery Facilities	\$29,980.86

¹This is an annualized cost. Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided.

III. WORKSHEET

- New Regulations Provide For Engineering Review Cost Recovery For Resource Recovery Certification Applications And Modification Requests
- Total Engineering Hours Coded To Resource Recovery For The Last 2 Years : 1239
- Estimated Percentage Of Coded Time Due To Non-Billable Activities : 10%
- Average Billable Hours Per Facility (2 Years) = $[1239 \times (.90)] / 39 = 28 \text{ Hours}$
- Average Annual Billable Hours Per Facility = 14 Hours
- Engineering Review Hourly Cost Basis = \$54.91/Hour
- Average Annual Cost Per Facility (Review Time) = 14 Hours x \$54.91/Hour = \$768.74
- Estimated increase in annual cost for all facilities = \$768.74 x 39 = \$29,980.86

IV. ASSUMPTIONS

1. A breakdown of all time coded to 3277 (resource recovery) in FY98 and FY99, given by query of the department's time tracking computer program, was used to determine the total amount of time for all resource recovery facilities to be reviewed over the 2 year renewal period; 660 Hours in FY98 and 579 Hours in FY99 were coded to resource recovery review.
2. Non billable, coded, resource recovery hours will include: processing exemption letters, processing requests for

information from facilities and the public, resource recovery policy development, enforcement actions and inspections, resource recovery procedure updates, and other time spent on resource recovery issues not attributable to a specific application, modification, or site.

3. It is assumed that, because current regulations do not provide for engineering review cost recovery, those costs are not billable and not recoverable. Therefore, they are not included in the Total Annualized Cost per facility under the current regulations.
4. Engineering review hourly cost was calculated as follows:
 - Environmental Engineer II hourly cost calculation:
 - Environmental Engineer II salary = \$3807/month
 - Adjusted annual cost = $(3807)(12)(2.5) = \$114210$
 - Hourly cost = $\$114210 / 2080 = \54.91
5. Personnel costs for merit employees are calculated using step "O" of the fiscal year 2000 merit pay plan produced by the Missouri Commission on Management and Productivity (COMAP). The monthly salary of the Environmental Engineer II position responsible for processing Resource Recovery Certification applications was multiplied by twelve to obtain an annual cost. The annual cost is multiplied by a factor of 2.5 to account for fringe benefits and equipment and expenses. Hourly costs are found by dividing this adjusted annual costs by 2080 Full-Time Equivalent (FTE).
6. Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
7. Fiscal year 2000 dollars are used to estimate the costs, and, since inflation cannot be accurately predicted, no adjustments are made for inflation.
8. Estimates assume a constant regulatory context which requires no reporting or standards beyond those currently required.
9. Estimates assume that there will be no new or sudden changes in technology which would influence costs.
10. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good-faith estimates and averages using the department's professional judgement.
11. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 10—Abandoned or Uncontrolled Hazardous
Waste Disposal Sites

PROPOSED AMENDMENT

10 CSR 25-10.010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites. The commission is amending sections (1), (2) and (7).

PURPOSE: Prior to publication of the department's annual report on Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri, all listed owners of registered sites are notified of their site's registry classification, as proposed for publication. The rule currently requires that appeals of site classifications proposed for publication in the Annual Report must be made within 30 days of the date the classification notification letter is mailed. This section of the rule relates only to procedures for verifying a site's classification, prior to publication of the classification in the Annual Report. Once the 30 days have passed, owners of sites on the Registry may still appeal their site classification at any time. The 30-day time limit is solely for the purpose of appealing the classification that will be published in the Annual Report. If the site classification to be published in the Annual Report is not appealed within 30 days, or approximately September 30, of the mailing of those letters, the site is listed at the assigned classification in the upcoming Annual Report. The 30-day time limit allows the necessary time to resolve a classification appeal prior to the publication of the report in December. However, as noted above, once the 30-day time limit has expired, an owner may still appeal the site classification at any time of the year. The only effect the expiration of the 30 days has is that the appeal will not affect the classification to be published in the Annual Report. Because the expiration of this 30-day time limit does not affect an owner's right to appeal his site classification, certified letters are not necessary.

Therefore, the department proposes to delete the requirement to use certified mail to send out the classification notification letters prior to publication of the Annual Registry Report. Mailing these notification letters by certified mail is considered an unnecessary cost in staff time and fiscal resources. The right to appeal a classification is not affected, so certified mail is not necessary. Various changes are also necessary to the portion of the rule that specifies the requirements for Registry consent agreements. These changes codify current practice and policy regarding the content of consent agreements, including responsibilities for completing any site investigation and remedial action, for obtaining departmental approval before implementation of remedial action, for addressing off-site migration, and for reimbursing the department's response and/or oversight costs.

(1) Proposing Sites for the Registry.

(A) When the department proposes to list a site on the registry, it will notify each owner of record of the site of the proposal. Notice shall be given by certified mail directed to the last known address of the person being notified.

1. The notice shall contain a general description of the site proposed to be listed on the registry, a general description of the nature of the waste found at the site and a statement that the owner or operator may request a hearing before the commission in accordance with section (2) of this rule regarding the proposal by filing a notice of appeal by certified mail with the director within thirty (30) days of the notice.

[2. The department, at its option, may include with the notice of the proposal to list a site on the registry, the classification of the site pursuant to section 260.445.3, RSMo. If the notice contains the site classification, the

notice shall also state that the owner or operator may request a hearing before the commission regarding the classification by filing a notice of appeal in the manner and within the time specified in paragraph (1)(A)1. of this rule.]

(2) Appeals to the Commission.

(E) Opportunity to Allow Responsible Party [Clean Ups] Cleanups.

1. Within thirty (30) days of notice under section (1) of this rule, a responsible party may commit in writing to investigate the site and implement an approved remedial action. [A consent agreement must be signed by the department and the responsible party which establishes a schedule and specific responsibilities for completion of any site investigation and remedial action.]

2. A [C]consent agreement/s developed under this section must [contain a commitment for the responsible party to obtain departmental approval before implementation of any remedial action.] be signed by the department and the responsible party and must contain, but not be limited to, the following commitments:

A. A schedule and specific responsibilities for completion of any site investigation and remedial action;

B. The responsible party will obtain departmental approval before implementation of any remedial action;

C. The responsible party shall be responsible for off-site migration;

D. The responsible party shall reimburse the department for all response and oversight costs incurred by the department.

3. In the case that either party to the consent agreement refuses or fails to carry out the terms of the agreement, either party may request a hearing before the commission on the matter to be handled as an appeal to the commission under section (2) of this rule.

4. Remedial actions undertaken at a site according to terms of a consent agreement developed under this section must include all necessary actions to achieve a classification pursuant to paragraph (7)(B)5. of this rule in order for the department to withdraw its proposed listing of the site on the registry.

5. When the department determines that a remedial action results in a site receiving a classification of 1, 2, 3, or 4 pursuant to subsection (7)(B) of this rule, the department will notify each owner and the party to the consent agreement developed under this section. This notification will be according to procedures established in section (1) of this rule and will include the classification of the site pursuant to subsection (7)(B) of this rule.

(7) Site Assessment.

(B) Classifications and Criteria for Determining Site Classifications.

1. Class 1—sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment. Sites present a high risk to public health and/or the environment, and the following criteria for determining this site classification shall apply:

A. Hazardous waste on the site is highly concentrated and readily accessible by ingestion and/or inhalation and/or dermal contact; and/or

B. Immediate remediation or action is required to prevent irreparable damage to public health and/or the environment.

2. Class 2—sites that are a significant threat to the environment. Sites present a moderate risk to public health and/or the environment, and the following criteria for determining this site classification shall apply:

A. Hazardous waste on the site exhibits one (1) or more of the following:

(I) Moderately concentrated and accessible by ingestion and/or inhalation and/or dermal contact;

(II) Highly concentrated, but not openly accessible due to the nature of the site and the contamination and/or any remedial action taken; and

(III) Likely to adversely impact human health and/or the environment if not treated.

B. Remediation or action is required to reduce adverse impacts to public health and/or the environment.

3. Class 3—sites that do not present a significant threat to the public health or environment. Sites present a low risk to public health and/or the environment, and the following criteria for determining this site classification shall apply:

A. Hazardous waste on the site exhibits one (1) or more of the following:

(I) Low to moderately concentrated and are not readily accessible by ingestion and/or inhalation and/or dermal contact due to the nature of the site and the contamination and/or any remedial action taken; and

(II) Exceeding established regulatory guidelines; however, are not significantly impacting public health and/or the environment at this time.

B. Action may be deferred; however, hazardous waste remains on-site, and remediation is needed.

4. Class 4—sites that have been properly closed. All department required response actions have been implemented on the sites, and the response actions have been approved by the department. The following criteria for determining this site classification shall apply:

A. Hazardous waste remains on-site; and

B. The site requires continued treatment, containment, or other operation and maintenance until it meets established regulatory guidelines.

5. Class 5—sites that have been properly closed with no evidence of present or potential adverse impact. Sites proposed for the registry or on the registry meet all department requirements and regulatory guidelines for a residential or industrial cleanup as defined in subparagraphs (7)(B)5.A. and B. of this rule.

A. Residential cleanup.

(I) A site is remediated to standards determined on a site-specific basis by the department in consultation with the Missouri Department of Health, considering toxicity and typical residential exposure factors which may include years of exposure, body weight, exposure dose and/or other risk factors.

(II) A site is cleaned up for the hazardous wastes identified and remediated, and the site is not placed on the registry, or may be removed from the registry. A letter may be sent to the landowner authorizing residential use of the site. The county recorder of deeds shall be notified of the removal of a site from the registry.

B. Industrial/commercial cleanup.

(I) A site is—

(a) Remediated to standards determined on a site-specific basis by a method approved by the department in consultation with the Department of Health which considers toxicity and typical industrial exposure factors which may include years of exposure, body weight, exposure dose and/or other risk factors;

(b) Used only for industrial or commercial purposes as long as any remaining hazardous wastes exceed the department's residential or any-use standards; and

(c) Not a source for off-site releases of contaminants in concentrations exceeding residential or any-use standards for any media.

(II) A consent agreement, as defined in subsection (2)(E), shall be signed by the department and the property owner which establishes a schedule and specific responsibilities for completion of a site investigation and remedial action.

(a) The property owner shall—

I. Comply with the terms of the consent agreement; and

II. Continue to comply with the terms of the consent agreement.

(b) The consent agreement shall contain the requirement that the property owner file a deed restriction with the recorder of deeds in the county in which the site is located. One (1) or more of the following deed restrictions shall be filed so as to appear on the chain of title for the site, along with any other restrictions specific to the site:

I. Prohibiting the construction or placement of potable water wells on the property without the approval of the Missouri Department of Natural Resources;

II. Prohibiting excavation or construction work in areas of known soil contamination without the approval of the Missouri Department of Natural Resources;

III. Prohibiting the disruption or alteration of a cap, containment system or barrier in an area of known contamination without the approval of the Missouri Department of Natural Resources; and/or

IV. Prohibiting the property from being used for anything but an industrial use.

(III) The deed restriction and consent agreement are required before a site is withdrawn from the registry, or before a proposal to list a site is withdrawn.

(IV) The property owner must provide the department with evidence that the property owner has notified the political subdivision exercising jurisdiction over land use planning of the proposed industrial/commercial cleanup level classification.

(C) When the department proposes to initially classify or reclassify a site on the registry in accordance with criteria contained in subsection (7)(B) of this rule, it will notify each owner of record of the proposed site classification. *[Notice shall be given by certified mail directed to the last known address of the person being notified.]*

1. The notice shall contain the classification being proposed by the site assessment committee and a statement that the owner or operator may petition the director of the department in accordance with subsection (5)(A) of this rule and appeal the director's final decision in accordance with section 260.460, RSMo and this rule.

2. If an owner or operator does not file a notice of appeal within thirty (30) days of the mailing date of the notice specified in paragraph (7)(C)1. of this rule, the department will classify the site on the registry as proposed.

[2.] **3.** No registry classification or reclassification may be made until the notice set forth in subsection (7)(C) of this rule has been mailed, and any appeal to the commission in accordance with section (2) of this rule has been finally resolved. *[If an owner or operator does not file a notice of appeal within thirty (30) days of the mailing date of the notice specified in paragraph (7)(C)1. of this rule, the department will classify the site on the registry as proposed.]*

[3.] **4.** Pending petitions or appeals of registered sites pursuant to subsection (5)(A) of this rule will not prevent the site from being listed in the annual report. Appeals to the commission under subsection (5)(A) of this rule will be noted in the annual report.

AUTHORITY: sections 260.370 [and], 260.437, **260.440, 260.445, and 260.455, RSMo [Supp. 1997] 2000.** Original rule filed Aug. 14, 1984, effective March 1, 1985. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.*

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 11—Used Oil**

PROPOSED AMENDMENT

10 CSR 25-11.279 Recycled Used Oil Management Standards.
The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of the Environmental Protection Agency is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating this rule to incorporate by reference the 2000 edition of the CFR will ensure that this rule is both consistent with, and current through, the most recent edition of the CFR. This amendment would add to the rule all changes made to 40 CFR part 279, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part of the CFR during this time period and recommend that this rule be amended to incorporate by reference these changes.

(1) The regulations set forth in 40 CFR parts 110.1, 112 and 279, July 1, [1997] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modification to 40 CFR part 279, incorporated by reference in section (1) of this rule. A person managing used oil shall comply with this section in addition to the regulations in 40 CFR part 279. In the case of contradictory or conflicting requirements, the more stringent shall control.

(Comment: This section has been organized so that Missouri additions, changes or deletions to a particular lettered subpart in 40 CFR part 279 are noted in the corresponding lettered subsection of this section. For example, changes to 40 CFR part 279 subpart A are found in subsection (2)(A) of this rule.)

(B) Applicability. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart B.

1. 40 CFR 279.10(b)(2) is not incorporated in this rule.

2. Mixtures of used oil and hazardous waste are subject to the following:

A. Except as provided for in subparagraphs (2)(B)2.B. and C. of this rule, used oil that is mixed with hazardous waste shall be handled according to 10 CSR 25-3, 4, 5, 6, 7, 8, 9 and 13;

B. Used oil that is mixed with hazardous waste that solely exhibits the characteristic of ignitability or is mixed with a listed hazardous waste that is listed solely because it exhibits the characteristic of ignitability shall be managed as a used oil; provided that the subsequent mixture does not exhibit the characteristic of ignitability;

C. A generator who generates and accumulates hazardous waste in amounts less than those described in 10 CSR 25-3.260(1)(A)/23/25. shall handle mixtures of used oil with hazardous waste as a used oil.

3. In 40 CFR 279.10(f), incorporated by reference in this rule, delete "subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater)" and in its place substitute "regulated under Chapter 644, RSMo, the Missouri Clean Water Law."

4. In addition to the prohibitions of 40 CFR 279.12, incorporated by reference in this rule, the following shall apply:

A. All used oil is prohibited from disposal in a solid waste disposal area; and

B. Used oil shall not be disposed of into the environment or cause a public nuisance.

(E) Standards for Used Oil Transporters and Transfer Facilities. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 279 subpart E.

1. In addition to the requirements of 40 CFR 279.42, transporters of used oil shall be licensed in accordance with the requirements in 10 CSR 25-6.263.

2. In addition to the requirements of 40 CFR 279.45(d)-(f), incorporated by reference in this rule, secondary containment systems shall have a capacity equal to or greater than ten percent (10%) of the containerized waste volume, or the volume of the largest container, whichever is greater. (Note: Facilities that store used oil in tanks near navigable waters may be subject to the spill prevention, control and counter-measures standards found in 40 CFR 112.

3. In addition to the requirements of 40 CFR 279.46, incorporated by reference in this rule, the following shall apply:

A. The information described in 40 CFR 279.46(a)-(c), incorporated by reference in this rule shall be recorded on form MO 780-1449(11-93), the Transporter's Used Oil Shipment Record, **incorporated by reference in this rule and** provided by the department; and

B. All transporters who transport one-thousand (1000) gallons or more used oil in a reporting period must submit the information described in 40 CFR 279.46(a) and (b) to the director of the department's Hazardous Waste Program annually, on form MO 780-1555, the Transporter Annual Report Form, **incorporated by reference in this rule and** provided by the department. The form shall include information for a reporting period from July 1 to June 30, and shall be submitted by August 31 following the reporting period.

4. In addition to the requirements of 40 CFR 279.46 incorporated in this rule, transporters of used oil operating a transfer

facility shall maintain an inventory log to assure the off-site shipment of used oil within thirty-five (35) days.

5. In addition to the requirements of 40 CFR 279.46(d), incorporated in this rule, the inventory log described in paragraph (2)(E)4. of this rule shall be maintained for at least three (3) years, or longer if required by the department.

6. In addition to the requirement of 40 CFR 279.47, used oil transporters who operate a transfer facility shall close the transfer facility in accordance with 10 CSR 25-6.263(2)(A)10.G.

7. Used oil transfer facilities shall keep all tanks and containers that are exposed to rainfall closed at all times except when adding or removing used oil.

8. For shipments involving rail transportation, the initial rail transporter shall forward copies of the shipping record to—

A. The next nonrail transporter, if any;

B. The receiving facility if the shipment is delivered by rail; or

C. The last rail transporter handling the used oil in the United States.

AUTHORITY: section 260.370, [RSMo Supp. 1997] 2000. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 1, 2001.

PUBLIC COST: None of the federal rule changes proposed for incorporation by reference into this rule are expected to result in increased costs, either to implementing agencies or to the regulated community. The determination of the Environmental Protection Agency regarding implementation costs is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: None of the federal rule changes proposed for incorporation by reference into this rule are expected to result in increased costs, either to implementing agencies or to the regulated community. The determination of the Environmental Protection Agency regarding implementation costs is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 25—Hazardous Waste Management Commission

Chapter 12—Hazardous Waste Fees and Taxes

PROPOSED AMENDMENT

10 CSR 25-12.010 Fees and Taxes. The commission is amending sections (1) and (3), adding a new section (4) and renumbering the remaining section.

PURPOSE: Senate Bill 577 was passed by the 2000 General Assembly. The bill revised or added various amounts and types of fees assessed on hazardous waste generators and hazardous waste management facilities in the state of Missouri, including the category tax, generator fee, transporter license fee, and resource recovery application fee. The bill eliminated the hazardous waste generator category tax revenue target from law and also eliminated the five categories of waste based on tonnage. Both of these changes are included in the proposed amendment. Other changes made by Senate Bill 577 which require modification of the existing rule include an increase in category tax site caps for both Category A and Category B waste, establishment of a \$50 minimum category tax for individual generators, and allowance of an annual 2.55% increase in the tax rates and caps. The statutory changes are found in sections 260.479.1 and 260.479.2, RSMo 2000. The bill also authorizes the department to recover resource recovery certificate engineering review costs as well as corrective action costs at hazardous waste management facilities. Both of these statutory changes require an amendment of the existing rule text. Each of the amendments identified above is necessary in order to implement the changes to the Hazardous Waste Management Law contained in Senate Bill 577. Therefore, the existing rule is proposed for amendment in order to implement these statutory changes.

(1) Hazardous Waste Fees and Taxes Applicable to Generators of Hazardous Waste.

(A) A generator of hazardous waste shall pay the following fee as required by subdivision 260.380.1(10), RSMo. A generator as defined in 10 CSR 25-5.262, unless paragraph (1)(A)1., 2. or 3. of this rule provides otherwise, shall pay a fee of one dollar per ton (\$1/ton) of hazardous waste generated. This fee shall be payable to the state of Missouri. [The fee shall be used solely for the administrative costs of the Hazardous Waste Program.] The fee shall be paid in accordance with the following procedures: The fee shall be paid on an annual basis on or before January 1 of each year. The fee shall equal the product of one dollar per ton (\$1/ton) multiplied by the amount of [metric] tons of hazardous waste generated during the twelve (12)-month period ending June 30 of the calendar year immediately preceding January 1 of the calendar year in which payment is due. (For example, a generator would be billed in December 1992 for waste produced during the period July 1, 1991 through June 30, 1992.) The fee is applied to hazardous waste defined by or listed in 10 CSR 25-4.261 which is regulated as hazardous waste at the time of its generation except as paragraph (1)(A)1., 2. or 3. of this rule provides otherwise. The fee shall not exceed ten thousand dollars (\$10,000) per generator per year.

1. Hazardous waste that is discharged by a generator to a municipal wastewater treatment plant, which is regulated by a permit issued by the Missouri Clean Water Commission, shall be assessed a fee of zero cents per ton (0¢/ton) of hazardous waste so managed.

2. The fee shall not be imposed upon any generator who has registered with the department, in accordance with 10 CSR 25-5.262, less than ten (10) tons of hazardous waste per year.

3. The fee shall not be imposed upon any hazardous waste fuel produced from processing, blending or other treatment.

A. Beginning with the December 1995 billing for hazardous waste generated July 1, 1994 through June 30, 1995, this exemption applies only to the hazardous waste fuel processed, blended or treated by a fuel blender receiving hazardous waste from the original generator who has already paid the tax in this section on the hazardous waste.

B. This exemption does not apply to hazardous waste used directly as a fuel.

(D) An individual generator required to register in accordance with 10 CSR 25-5.262 shall pay a tax based on the volume by weight and management method in accordance with subsection (1)(E) of this rule and as required by section 260.479, RSMo. **Sixty percent (60%) of /R/ revenues collected from this tax shall be transmitted by the department to the Missouri Department of Revenue for deposit in the hazardous waste remedial fund and forty percent (40%) of revenues collected from this tax shall be deposited in the hazardous waste fund.** The tax will be based on the volume of hazardous waste generated and the management method utilized beginning on July 1 of the year preceding the billing year and through June 30 of the billing year. A company shall not annually pay more than *[fifty] eighty* thousand dollars *[(\$50,000) (\$80,000)]* collectively for all combined plant sites under the provisions of this subsection, nor shall a generator who is required to register in accordance with 10 CSR 25-5.262 pay less than *[ten] fifty* dollars *[(\$10) (\$50)]* annually. **However, as outlined in subdivision 260.479.2(2), RSMo these minimum and maximum amounts may be adjusted annually by the commission by up to 2.55%.**

1. The following hazardous wastes are exempted from this tax:

A. Any hazardous wastes generated by the state and any political subdivision of the state;

B. Waste oil;

C. Any hazardous waste generated by a person who qualifies as a conditionally exempt generator due to the quantity of waste generated in one (1) month or accumulated at one (1) time as specified under 10 CSR 25-3.260(1)(A)/22/25.; and

D. Hazardous wastes legitimately discharged into a publicly-owned treatment works and exempted in 10 CSR 25-4.261. (Comment: This exclusion does not exclude sludges that are hazardous waste and are generated by industrial wastewater treatment.)

2. This tax shall not be imposed upon the following hazardous waste: hazardous waste fuel produced from hazardous waste by processing, blending or other treatment; hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site under sections 260.435-260.550, RSMo or as part of a remedial plan required under sections 260.350-260.434, RSMo; or smelter slag waste from the processing of materials into reclaimed metals.

A. Beginning with the billing sent out in December *[1995] 2001* for hazardous waste generated July 1, *[1994] 2000* through June 30, *[1995] 2001*, the exemption for hazardous waste fuel produced from hazardous waste by processing, blending or other treatment shall *[apply only to the hazardous waste fuel processed, blended or treated by a fuel blender receiving hazardous waste from the original generator who has already paid the tax in this section on the hazardous waste] be removed in accordance with subdivisions 260.479.5, RSMo and 260.479.7, RSMo. However, this tax on hazardous waste fuel shall be assessed upon and paid by the facility utilizing such hazardous waste fuel as a substitute for other fuel. The tax shall be assessed and paid based upon the reporting year in which the hazardous waste fuel is received by the facility.*

B. This exemption does not apply to hazardous waste used directly as a fuel.

(E) A generator who is not otherwise exempted by paragraph (1)(D)1., 2. or 3. of this rule shall pay a tax in each of the applicable subdivisions.

1. SUBDIVISION A—TAX.

A. A generator who manages hazardous waste by on-site storage that requires a permit in accordance with 10 CSR 25-7.264 or interim status in accordance with 10 CSR 25-7.265 or off-site storage that is not in conjunction with incineration, resource recovery, treatment or any other similar management method and a generator utilizing a disposal facility shall use the following formula to calculate his/her tax for hazardous waste generated from each state fiscal year, July 1 of each year through June 30 of the following year. (Note: A disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and, at which, the waste will remain after closure.)

B. Tax in subdivision A = $[(\$20 + (\$0.08 \text{ for each metric ton generated})) \times (\text{the number of metric tons (kkg) generated})] (\$21.80 + (\$0.07989 \times \text{number of tons generated})) \times (.90785 \times \text{number of tons generated})$.

2. SUBDIVISION B—TAX.

A. A generator who utilizes a management technique not included in subdivision A shall use the following formula to calculate his/her tax for hazardous waste generated during the state fiscal year.

B. Tax in subdivision B = $[(\$10.00 + (\$0.04 \text{ for each metric ton generated})) \times (\text{the number of metric tons (kkg) generated})] (\$10.90 + (\$0.039945 \times \text{number of tons generated})) \times (.90785 \times \text{number of tons generated})$.

3. TOTAL TAX.

A. The total tax for a generator is the applicable tax in subdivision A plus the applicable tax in subdivision B. No company shall pay more than *[fifty] eighty* thousand dollars *[(\$50,000) (\$80,000)]* or less than *[ten] fifty* dollars *[(\$10) (\$50)]* under subsection (1)(E). *[Example: Company A generates 10.02 kkg of hazardous waste managed at a disposal facility. The tax in subdivision A would be as follows:*

$$\text{Tax} = (\$20.00 + (\$0.08 \times 10.02)) \times (10.02) = \$208.43.$$

Company A also generates 5.01 kkg of solvent managed at a resource recovery facility. The tax in subdivision B would be as follows:

$$\text{Tax} = (\$10.00 + (\$0.04 \times 5.01)) \times (5.01) = \$51.10.$$

The total tax for Company A would, therefore, be the tax in subdivision A \$208.43 + the tax in subdivision B \$51.10. The total tax owed by Company A would be \$259.53.]

B. *[Tables 1 and 2 illustrate the approximate method by which categories are established for subdivisions A and B; however, they do not take into account computer capability of seven (7) significant figures to the right of the decimal place. Note:]* The billing of each year will be based on information submitted by generators and facilities on the quarterly manifest summary reports required at 10 CSR 25-5.262(2)(D)1., 10 CSR 25-7.264(2)(E)3. and 10 CSR 25-7.265(2)(E). The billing will be based on waste generated during the previous state fiscal year. *[The data will be run on computer programs that sort firms into one (1) of five (5) categories that as nearly as possible will generate a total amount of one and one-half (1 1/2) million dollars annually.]*

(F) The department will bill those generators whose records on file indicate that they are subject to taxes or fees in section (1).

However, if a generator does not receive a billing, it does not relieve the generator of the responsibility to pay fees or taxes imposed by this rule.

[Table 1 – Subdivision A]

Metric Tons				
Category	From	To	Tax Range	
1	500.01	675.39	\$30,001	\$50,000
2	390.40	500.00	\$20,001	\$30,000
3	250.01	390.39	\$10,001	\$20,000
4	42.73	250.00	\$ 1,001	\$10,000
5	0.001*	42.72	\$ 10	\$ 1,000]

[Table 2 – Subdivision B]

Metric Tons				
Category	From	To	Tax Range	
1	500.01	675.39	\$15,001	\$25,000
2	390.40	500.00	\$10,001	\$15,000
3	250.02	390.39	\$ 5,001	\$10,000
4	42.75	250.01	\$ 501	\$ 5,000
5	0.001*	42.72	\$ 10	\$ 1,000]

[*0.001 kkg reportable quantity of hazardous waste]

(G) As outlined in subdivision 260.479.2(2), RSMo, the commission may annually adjust by a maximum of 2.55%, all fee amounts referred to in (1)(D) and (1)(E) of this rule. This adjustment may include the minimum fee, the maximum fees and the rates used to calculate the fee each generator shall pay.

(3) Fees and Taxes Applicable to Applicants for Permits or Certifications and to Owners/Operators of Treatment, Storage, Disposal or Resource Recovery Facilities.

(D) An applicant for a hazardous waste treatment, storage or disposal facility permit or resource recovery certification shall pay all applicable costs in accordance with 10 CSR 25-7.270(2)(B)9., 10 CSR 25-9.020(5), and as required by [subdivision] subdivisions 260.395.7(7) and 260.395.14(2), RSMo for engineering and geological review. Those costs for engineering and geological review will be billed in the following categories:

1. The project engineer's and geologist's time expended in the following areas:

A. Supervision of field work undertaken to collect geologic and engineering data for submission with the permit application or resource recovery certification application;

B. Review of geologic and engineering plans submitted in relation to the permit application or resource recovery certification application;

C. Assessment and attesting to the accuracy and adequacy of the geologic and engineering plans submitted in relation to the permit application or resource recovery certification application; and

D. The project engineer's and geologist's time billed at the engineer's and geologist's hourly rates multiplied by a fixed factor of two and one-half (2 1/2). This fixed factor is comprised of direct labor; fringe benefits including, but not limited to, insurance,

medical coverage, Social Security, Workers' Compensation and retirement; direct overhead, including, but not limited to, clerical support and supervisory engineering review and Hazardous Waste Program administrative and management support; general overhead, including, but not limited to, utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and engineering support, including, but not limited to, training, peer review, tracking and coordination;

2. The direct costs associated with travel to the facility site to supervise any field work undertaken to collect geologic and engineering data or to ascertain the accuracy and adequacy of geologic and engineering plans, or both, including, but not limited to, expenses actually incurred for lodging, meals and mileage based on the rate established by the state of Missouri. These costs are in addition to the costs in paragraph (3)(D)1. of this rule; and

3. Costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs and security costs, will be billed to the applicant. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the applicant.

(F) The applicant for a resource recovery certificate shall pay the following fee in accordance with 10 CSR [25-9.020(1)(C)1.] 25-9.020(4) and subdivision 260.395.14(2), RSMo when submitting the application: [One] Five hundred dollars [(\$100)](\$500) if the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste on-site in accordance with 10 CSR 25-9 or [five hundred] one thousand dollars [(\$500)] (\$1,000) if the application is for a resource recovery facility which receives hazardous waste from off-site for legitimate reclamation or recycling in accordance with 10 CSR 25-9.

(4) Corrective Action Oversight Cost Recovery.

(A) In accordance with subdivision 260.375(30), RSMo, owners/operators of hazardous waste facilities performing corrective action pursuant to sections 260.350 to 260.430, RSMo, and the rules promulgated thereunder shall pay to the department all reasonable costs, as determined by the commission, incurred by the department in the oversight of corrective action investigations, monitoring or cleanup of releases of hazardous waste or hazardous constituents at hazardous waste facilities. Oversight shall include review of the technical and regulatory aspects of corrective action plans, reports, documents, and associated field activities, including attesting to their accuracy and adequacy. All corrective action plans approved by the department pursuant to sections 260.350 to 260.430, RSMo, shall require the department, upon notice by the owner/operator that the approved plan has been completed, to verify within ninety (90) days that the corrective action plan has been complied with and completed. Within thirty (30) business days thereafter and provided that the department agrees that the corrective plan has been complied with and completed, the department shall issue a letter to the owner/operator certifying the completion and compliance.

(B) Corrective action cost recovery billing shall be based on the hourly rate(s) of departmental staff performing corrective action oversight multiplied by a fixed factor of two and one-half (2 1/2). This fixed factor is comprised of direct labor; fringe benefits including, but not limited to, insurance, medical coverage, Social Security, Workers' Compensation and retirement; direct overhead, including, but not limited to, clerical support and supervisory review and Hazardous Waste Program administrative and management support; general overhead, including, but not limited to, utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and other support activities, including, but not limited to, training, peer review, tracking and coordination.

(C) The direct costs associated with travel to hazardous waste facilities for the purpose of corrective action oversight including, but not limited to, expenses actually incurred for lodging, meals and mileage based on the rates established by the state of Missouri shall be recoverable. These direct costs shall be billed to the owner/operator and are in addition to the costs in subsection (4)(B) of this rule.

(D) Corrective action-related costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs and security costs, shall be billed to the owner/operator. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the owner/operator.

(E) All funds remitted by owners/operators of hazardous waste facilities performing corrective action shall be deposited in the hazardous waste fund created in section 260.391, RSMo.

[(4)](5) Variance Fee. Any person seeking a variance under 10 CSR 25 shall include a filing fee of fifty dollars (\$50) payable to Missouri with each petition as required by subdivision 260.405.4(1), RSMo.

AUTHORITY: sections 260.370, 260.380, **260.395**, 260.437 and 260.479, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities \$8,150 in the next fiscal year and annually thereafter. A detailed fiscal note with the relevant cost information has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**Title: Department of Natural ResourcesDivision: Hazardous Waste Management CommissionChapter: Fees and TaxesType of Rulemaking: Proposed AmendmentRule Number and Name: 10 CSR 25-12.010 Hazardous Waste Fees and Taxes**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: ¹
7	Resource Recovery Facilities that accept waste from off-site	\$1750
32	Resource Recovery facilities that only recycle on-site waste	\$6400
		TOTAL: \$8150

¹This is an annualized cost. Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided.

III. WORKSHEET

Facilities That Accept Waste From Off-Site: 07
Facilities That Only Recycle On-Site Waste: 32

Current Fee Is \$500 Every 2 Years For Facilities Accepting Waste From Off-Site
Current Fee Is \$100 Every 2 Years For Facilities That Only Recycle On-Site Wastes

Total Annual Cost To Facilities accepting waste from off site under current regulations = $(7 \times \$500) / 2 = \1750
Total Annual Cost to Facilities only recycling on-site waste under current regulations = $(32 \times 100) / 2 = \$1600$

Current Annual Cost Per Facility accepting waste from off site = $\$1750 / 7 = \250
Current Annual Cost Per Facility only recycling on-site waste = $\$1600 / 32 = \50

Proposed Fee Is \$1000 Every 2 Years For Facilities Accepting Waste From Off-Site
Proposed Fee Is \$500 Every 2 Years For Facilities That Only Recycle On-Site Wastes

Total Annualized Application Fees for facilities accepting waste from off site = $(7 \times \$1000) / 2 = \3500
Total Annualized Application Fees for facilities only recycling on-site waste = $(32 \times \$500) / 2 = \8000

Annualized Fee Per Facility accepting waste from off site = $\$3500 / 7 = \500
Annualized Fee Per Facility only recycling on-site waste = $\$8000 / 32 = \250

Total Annual Cost Proposed Per Facility accepting waste from off site = \$500
Total Annual Cost Proposed Per Facility only recycling on-site waste = \$250

Increase In Annual Cost Per Facility accepting waste from off site = $\$500 - \$250 = \$250$
Increase In Annual Cost Per Facility only recycling on-site waste = $\$250 - \$50 = \$200$

Aggregate Annual Cost Increase for facilities accepting waste from off site = $\$250 \times 7 = \1750
Aggregate Annual Cost Increase for facilities only recycling on-site waste = $\$200 \times 32 = \6400

IV. ASSUMPTIONS

1. Because the duration of this rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
2. Fiscal year 2000 dollars are used to estimate the costs, and, since inflation cannot be accurately predicted, no adjustments are made for inflation.
3. The universe of affected entities is based on the information on hand as of July 2000, and we assume that the universe will remain constant.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 13—Polychlorinated Biphenyls

PROPOSED AMENDMENT

10 CSR 25-13.010 Polychlorinated Biphenyls. The commission is adding a new section (1), and amending and renumbering sections (1)–(11).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. Updating this rule to incorporate by reference the 2000 edition of the CFR will ensure that this rule is both consistent with, and current through, the most recent edition of the CFR. This amendment would add to the rule changes made to the noted sections of 40 CFR part 761, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. Department staff have reviewed the changes made to this part of the CFR during this time period and recommend that this rule be amended to incorporate by reference these changes.

(1) The regulations set forth in 40 CFR parts 761.3, 761.30(a)(2)(v), 761.60(b)(1)(i)(B), 761.60(g), 761.65(b), 761.71, 761.79, 40 CFR 761.72, 761.180(b), July 1, 2000 are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

[(1)] (2) Applicability.

(A) This rule shall apply in the state of Missouri to all polychlorinated biphenyls (PCB) material and PCB units as defined in subsection *[(2)(A)](3)(A)* in shipment to or from or managed at a Missouri PCB facility.

(B) Waste oil containing PCBs at a concentration of less than fifty parts per million (50 ppm) and not otherwise meeting the definition of PCB material shall be managed in accordance with 10 CSR 25-11.

(C) Where conflicting regulations exist in 10 CSR 25, the more stringent shall control.

(D) This rule does not relieve a regulated person from his/her responsibility to comply with the federal Toxic Substances Control Act, 15 USC 2601–2629 (December 22, 1987) or the corresponding regulations.

[(2)] (3) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3 and 10 CSR 25-7.

(A) Additional Definitions.

1. Consignor means an owner/operator who transfers control of a shipment of PCB material, PCB units or both to a transporter for conveyance to a Missouri PCB facility.

2. High efficiency boiler means one of the following: a boiler which meets the requirements of 40 CFR *[761.60(a)(2)(iii)] 761.71(a)* or a boiler that has been approved by Environmental Protection Agency (EPA) under 40 CFR *[761.60(a)(3)(iii)]*

761.71(b). *[40 CFR 761.60(a)(2)(iii) and 40 CFR 761.60(a)(3)(iii), July 1, 1989, are incorporated by reference.]* PCB facility owners/operators shall not destroy PCBs in concentrations exceeding five hundred parts per million (500 ppm) in a high efficiency boiler.

3. A facility is in operation if all components of the facility necessary for it to function as a PCB facility have been completely constructed, the facility is functioning as a PCB facility and the facility owner/operator has received remuneration for such function at the facility.

4. Large PCB unit means a PCB unit weighing in excess of one hundred pounds (100 lbs.), not including the weight of any PCB material contained within the PCB unit.

5. PCB-contaminated metals reclamation incinerator means a thermal treatment unit which is utilized to remove organic material and residual PCBs from PCB units which formerly contained PCBs at concentrations of less than five hundred parts per million (500 ppm).

6. PCB(s) means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain this substance.

7. A PCB facility is one which accepts PCB material, PCB units or both for brokerage, treatment, storage or disposal on a commercial basis for remuneration.

8. PCB incinerator means an engineered device using controlled flame combustion to thermally degrade PCB material, PCB units or both that is not classified as a high efficiency boiler or a PCB-contaminated metals reclamation incinerator.

9. PCB material is defined as any waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs, or any mixture of a waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs with a chemical substance containing less than fifty parts per million (50 ppm) PCBs. Unless tested in accordance with 40 CFR 761.60(g), oil in or from electrical equipment (except circuit breakers, reclosers and cable) for which the PCB concentration is unknown must be assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs. *[40 CFR 761.60(g), July 1, 1989, is incorporated by reference.]*

10. PCB units are defined as any waste manufactured item which contains or did contain PCB material, excluding the following PCB articles and PCB containers:

A. Small capacitors that remain as components of waste manufactured items;

B. PCB articles containing PCBs at concentrations of less than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids, filled with a solvent that readily solubilizes PCBs (for example, kerosene, toluene), allowed to stand for at least eighteen (18) hours and then drained thoroughly;

C. PCB articles containing PCBs at concentrations of less than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids and then thermally treated for the purpose of degrading the residual PCBs and combustible material. (Note: Minimum technical standards for thermal treatment of PCB articles are set forth in subsection (11)(A) of this rule.);

D. PCB containers that are decontaminated in accordance with 40 CFR 761.79 *[, July 1, 1989, is incorporated by reference];*

E. PCB articles and PCB containers which have internal and external surfaces that have been decontaminated to less than ten micrograms (10 µg) PCBs per one hundred centimeters squared (100 cm²) surface area;

F. Electrical equipment that has been reclassified to non-PCB status pursuant to 40 CFR 761.30(a)(2)(v) *[. 40 CFR*

761.30(a)(2)(v), July 1, 1989, is incorporated by reference]; and

G. PCB articles and PCB containers that are decontaminated by an alternate method, if approved by the department.

11. Treatment means any method, technique or process, including degreasing, designed to change the physical, chemical or biological character or composition of any PCB material or PCB units so as to recover energy or material resources from the waste or render the waste nontoxic or less toxic, to render the waste safer for transportation, storage or disposal or to make the waste more suitable for recovery, storage or volume reduction.

(B) The definitions for the following terms are codified in 40 CFR 761.3 [July 1, 1989] and are incorporated by reference:

1. Capacitor;
2. Chemical substance;
3. Fluorescent light ballast;
4. PCB article;
5. PCB container;
6. PCB-contaminated electrical equipment; and
7. PCB transformer.

(C) The following terms shall be substituted in the portions of 40 CFR Part 264, 40 CFR Part 265, 40 CFR Part 270 and 10 CSR 25 that apply in this rule:

1. "PCB material," "PCB units" or both shall be substituted for "hazardous waste";
2. "PCB facility" shall be substituted for "hazardous waste facility"; "hazardous waste treatment, storage or disposal facility"; "treatment, storage or disposal facility"; and "HWM facility"; and
3. "PCB facility permit" shall be substituted for "Part B permit" and "RCRA permit."

[(3)] (4) Manifesting, Record Keeping and Reporting.

(A) Assignment of PCB Identification Numbers. PCB material and PCB units are assigned the following PCB identification numbers:

- M001 Mineral oil dielectric fluid containing equal to or greater than fifty parts per million (50 ppm) PCBs but less than five hundred parts per million (500 ppm) PCBs.
- M002 PCB-contaminated electrical equipment with dielectric fluid.
- M003 PCB-contaminated electrical equipment that has been drained of all free-flowing liquids.
- M004 Dielectric fluid containing greater than five hundred parts per million (500 ppm) PCBs.
- M005 PCB transformers with dielectric fluid.
- M006 PCB transformers that have been drained of all free-flowing liquids.
- M007 PCB transformers that have been flushed with solvent as prescribed in 40 CFR 761.60(b)(1)(i)(B). *[40 CFR 761.60(b)(1)(i)(B), July 1, 1989, is incorporated by reference.]*
- M008 Capacitors contaminated with PCBs.
- M009 Soil, solids, sludges, dredge materials, clothing, rags or other debris contaminated with PCBs.
- M010 PCB-contaminated solvent. (Note: Any PCB-contaminated solvent that meets the definition of hazardous waste shall further be identified by the appropriate EPA identification number.)
- M011 Other PCB material.
- M012 Other PCB units.

(B) Manifests. No Missouri PCB facility shall accept a consignment of PCB material, PCB units or both unless it is accompanied by a hazardous waste manifest that meets the requirements of this section. All consignments of PCB material, PCB units or both originating from a Missouri PCB facility shall be accompanied by a hazardous waste manifest that meets the requirements of this section.

1. If a consignment is destined for a Missouri PCB facility, then an EPA Form 8700-22/MDNR-HWG-10 (Missouri Hazardous Waste Manifest) (see 10 CSR 25-7.270) or its equivalent shall be completed and used according to the Missouri Hazardous Waste Manifest Instructions and the supplemental instructions for PCB manifests. The manifests and instructions are available from the department;

2. If a consignment originates from a Missouri PCB facility and is destined for a facility located in a state which does not regulate PCBs, then an EPA form 8700-22/MDNR-HWG-10 (Missouri Hazardous Waste Manifest) or its equivalent shall be completed and used according to the Missouri Hazardous Waste Manifest Instructions and the supplemental instructions for PCB manifests. The manifests and instructions are available from the department;

3. If a consignment originates from a Missouri PCB facility and is destined for a facility located in a state which regulates PCBs and the receiving state requires the use of a particular version of the Uniform Hazardous Waste Manifest (EPA Form 8700-22 or its equivalent), then the receiving state's manifest shall be used and completed according to the receiving state's manifest instructions;

4. The manifest shall include the following information:

- A. The consignor's name, business address and phone number;
- B. The transporter(s) name(s), phone number(s) and Missouri identification number(s);
- C. The designated facility's name, site address and phone number;
- D. The proper United States Department of Transportation (DOT) description of the consignment;
- E. The number and type of containers;
- F. The total quantity of the consignment expressed in standard units of weight or volume;
- G. The appropriate PCB identification number(s) from subsection *[(3)(A)](4)(A)* of this rule;
- H. A prominent display of the words "PCB Manifest" in item 15 of the manifest; and
- I. The original, dated signatures of the consignor, transporter(s) and facility operator;

5. Consignments of PCB material, PCB units or both shall be manifested separately from shipments of hazardous waste even if being conveyed by the same transporter to the same designated facility; and

6. The owner/operator of a Missouri PCB facility who ships PCB material, PCB units or both off-site for treatment, storage or disposal shall comply with the following requirements:

A. The owner/operator of a Missouri PCB facility shall contract with the designated facility to return the completed manifest to the Missouri PCB facility within thirty-five (35) days after the date the waste was accepted by the initial transporter;

B. An owner/operator of a Missouri PCB facility who does not receive a copy of the PCB manifest with a handwritten signature of the owner/operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner/operator of the designated facility, or both, to determine the status of the consignment;

C. An owner/operator of a Missouri PCB facility who has not received the completed manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and

D. The exception report shall include the following: the name, address and telephone number of the Missouri PCB facility; the name, address and telephone number and Missouri transporter

license number for each transporter; the name, address and telephone number of the designated facility; the manifest document numbers followed by the date of shipment; the waste description and the PCB identification number(s); the total quantity of PCB material, PCB units, or both, and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquid only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the Missouri PCB facility: “I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information which includes fine and imprisonment;” a legible copy of the manifest document originated by the Missouri PCB facility and signed by the initial transporter which was retained by the Missouri PCB facility and for which the Missouri PCB facility does not have confirmation of delivery; and a cover letter signed by the facility owner/operator or his/her authorized representative explaining the efforts taken to locate the PCB material, PCB units or both and the results of those efforts.

(C) The facility shall return a copy of the PCB manifest to the transporter immediately upon receipt of the consignment and shall return a copy to the consignor within thirty-five (35) days of receipt. The facility’s manifest copy shall be maintained on-site for a period of three (3) years following receipt of a consignment. The period of record retention shall extend upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity.

(D) Reporting Requirements. The owner/operator of a PCB facility shall submit the following reports to the department:

1. The owner/operator shall submit an annual report by July 15 of each year that covers the previous calendar year. The annual report shall be prepared in accordance with 40 CFR 761.180(b). *[40 CFR 761.180(b), July 1, 1989, is incorporated by reference.]*

2. The owner/operator shall complete and submit, within forty-five (45) days after the end of each calendar quarter, a quarterly report that includes the following information:

A. The name, address and phone number of the facility;

B. The quarter for which the report is prepared;

C. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) received during the quarter. For the purpose of this report, any dielectric fluid drained from electrical equipment shall be designated as M001 or M004, as applicable;

D. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) generated on-site;

E. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) treated on-site and the method of treatment;

F. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) transferred to other treatment, storage or disposal facilities. A summary shall be prepared for each individual facility utilized and shall include a list of shipping dates and the method of final disposition;

G. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) retained at the facility at the end of the reporting quarter;

H. In chronological order, a copy of each PCB manifest received during the reporting quarter;

I. In chronological order, all completed manifests utilized for off-site shipments during that calendar quarter; and

J. A certification which reads: “CERTIFICATION: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals

immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete for the quarterly accounting of PCB material so handled, and the operations of the facility referenced herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.” The original signature of the owner/operator shall follow this certification.

(E) Operating Record. The owner/operator of a PCB facility shall maintain a written operating record. This subsection sets forth record keeping requirements for storage and transfer operations. A PCB facility shall also comply with the applicable record keeping requirements set forth in sections (7) and (8) of this rule. The information required in this subsection shall be recorded, as it becomes available, and maintained in the operating record of the facility until closure of the facility.

1. When PCB material is transferred from a PCB article or PCB container to a PCB container (for example, bulk tank or drum), the owner/operator shall record the following information:

A. The date of transfer;

B. The quantity of PCB material transferred;

C. The appropriate PCB identification number or some other reference to the type of material and PCB concentration;

D. Identification of the container into which the PCBs were transferred; and

E. The manifest document number from the manifest that accompanied the consignment or some other type of cross reference to the manifest document number.

2. When PCB material is transferred from a bulk tank to a tank truck, the owner/operator shall record information that indicates—

A. The date transported;

B. The tank identification and tank level or the quantity of PCB material removed from the tank; and

C. The manifest document number(s) associated with the off-site shipment(s).

[[4]] (5) Transporter Requirements.

(A) Consignments of PCB material, PCB units or both which are destined for or originate from a Missouri PCB facility shall be conveyed by a hazardous waste transporter licensed by the state in accordance with 10 CSR 25-6. The transporter’s current license application or renewal shall specify that the applicant intends to transport PCB material, PCB units or both.

(B) A transporter shall not accept a consignment of PCB material, PCB units or both destined for or originating from a Missouri PCB facility unless the consignment is accompanied by a PCB manifest.

(C) PCB units not in PCB containers shall be inspected by the transporter prior to acceptance to ensure that the unit is intact and not leaking. The transporter shall not accept a leaking PCB unit unless the unit is in a nonleaking PCB container.

(D) In addition to existing state and federal requirements, the department may require that specific safety equipment, spill control equipment and spill cleanup procedures be utilized by PCB transporters.

[[5]] (6) Provisionally Regulated PCB Facilities.

(A) A PCB facility that meets the following criteria is defined as a provisionally regulated PCB facility:

1. The facility accepts only PCB waste numbers M002 and M003 for treatment and storage;

2. The quantity of PCB material accumulated on-site never exceeds ten thousand pounds (10,000 lbs);

3. The quantity of large PCB units accumulated on-site never exceeds fifty (50) units; and

4. The treatment processes conducted at the facility are limited to decontamination of PCB units that contained less than five hundred parts per million (500 ppm) PCBs.

(B) The owners/operators of provisionally regulated PCB facilities shall comply with the following:

1. Notification. The facility owner/operator shall submit a notification letter to the department prior to commencing operation as a PCB facility. The notification letter shall include the following information:

A. The facility name, address and telephone number; and

B. A description of the existing and proposed treatment and storage methods and capacities;

2. Manifesting. PCB articles that are transported to a facility for the purpose of servicing need not be accompanied by a manifest; and

3. Owners/operators of PCB-contaminated metals reclamation incinerators shall meet the minimum technical standards in subsection *[(11)](12)(A)* of this rule.

(C) A provisionally regulated PCB facility which does not provide adequate environmental protection as determined by the department may be required to meet any or all of the requirements of this rule.

(D) The owner/operator of a provisionally regulated PCB facility who fails to operate within the criteria of subsection *[(5)](6)(A)* of this rule or who fails to comply with the requirements of subsection *[(5)](6)(B)* of this rule may be required to meet any or all of the requirements of this rule.

[(6)] (7) Mobile Treatment Units.

(A) For the purpose of the rule, mobile treatment units (MTUs) are defined as follows:

1. Mobile treatment processes that utilize a physical or chemical treatment unit for the purpose of reclassifying a transformer pursuant to 40 CFR 761.30(a)(2)(v) as incorporated in this rule; or

2. Any other mobile treatment process that requires EPA approval pursuant to 40 CFR 761.60(e).

(B) MTUs are exempt from sections *[(3), (7), (8) and (9)](4), (8), (9), and (10)* of this rule provided that—

1. The owner/operator of an EPA approved MTU submits a copy of the MTU's EPA approval to the department at least thirty (30) days prior to initial operation in Missouri;

2. The owner/operator of a MTU that does not require an EPA approval submits a detailed description of his/her process at least thirty (30) days prior to initial operation in Missouri;

3. The owner/operator of a MTU that is not providing a transformer reclassification service cannot operate for more than twenty (20) consecutive working days at any given job site without prior written approval of the department;

4. The owner/operator of a MTU that is providing a transformer reclassification service cannot operate at any given job site for more than one hundred eighty (180) days without prior written approval from the department; and

5. The owner/operator submits a site-specific notification to the department prior to treatment of PCBs at any given job site. The site-specific notification shall include the following information:

A. The client's name, address and phone number;

B. The approximate quantity of PCBs to be processed by the MTU;

C. The approximate PCB concentration of the PCB material prior to treatment; and

D. The location of the job site.

[(7)] (8) Standards for Owners/Operators of PCB Facilities. The owner/operator of a permitted Missouri PCB facility shall comply with this section. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR Part 264 incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2), which apply in this rule. For those subsections marked *Reserved* in which no modification or

addition is indicated, the requirements of 10 CSR 25-7.264 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.264 apply.

(A) Applicability. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 264 Subpart A, incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A). This section does not apply to an owner/operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner/operator maintains compliance with section *[(5)](6)* or *[(6)](7)* of this rule, respectively.

(B) General Facility Standards. This subsection sets forth standards which modify or add to 40 CFR Part 264 Subpart B, incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(B). In addition to the requirements in 40 CFR 264.13(a)(1), as incorporated in 10 CSR 25-7.264, the waste analysis, at a minimum, shall contain all the information which must be known to treat, store, dispose of or broker the waste in accordance with the requirements of this rule, the PCB facility permit conditions and 40 CFR Part 761.

(C) Preparedness and Prevention. *(Reserved)*

(D) Contingency Plan and Emergency Procedures. *(Reserved)*

(E) Manifest System, *[Recordkeeping]* **Record Keeping** and Reporting. The owner/operator shall comply with the requirements in section (3) of this rule.

(F) Groundwater Protection. *(Reserved)*

(G) Closure and Post-Closure. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart G incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(G). The most recent closure and post-closure estimates prepared in accordance with this subsection shall be submitted annually to the department by March 1.

(H) Financial Assurance Requirements. *(Reserved)*

(I) Use and Management of Containers. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart I incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(I).

1. The term container as used in this subsection shall mean PCB article, PCB container or both.

2. The storage area shall meet the requirements in 40 CFR 761.65(b). *[, 40 CFR 761.65(b), July 1, 1989 is incorporated by reference.]*

3. The temporary storage exemptions in 40 CFR 761.65(c)(1) are not allowed for permitted PCB facilities.

(J) Tank Systems. *(Reserved)*

(K) Surface Impoundments. The management of PCB material, PCB units or both in a surface impoundment is prohibited.

(L) Waste Piles. The management of PCB material, PCB units or both in a waste pile is prohibited.

(M) Land Treatment. The management of PCB material, PCB units or both in a land treatment unit or facility is prohibited.

(N) Landfills. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 264 Subpart N incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(N). Landfilling of PCB material containing free liquids is prohibited.

(O) PCB Incinerators. This subsection sets forth standards applicable to PCB incinerators which modify or add to those requirements in 40 CFR Part 264 Subpart O, incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(O).

1. The provisions of 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, shall not apply in this rule.

2. The requirements of 40 CFR 264.343(a)(1), as incorporated in 10 CSR 25-7.264, are modified to require an incinerator burning PCBs to achieve a destruction and removal efficiency (DRE) of ninety-nine and nine thousand nine hundred ninety-nine ten-thousandths percent (99.9999%).

3. The provisions of 40 CFR 264.343(a)(2) as incorporated in 10 CSR 25-7.264 shall not apply in this rule.

4. Combustion criteria for PCB liquids and combustion gases entering a secondary chamber shall be either of the following:

A. Maintenance of the introduced liquids for a two (2)-second dwell time at twelve hundred degrees Celsius, plus or minus one hundred degrees Celsius ($1,200^{\circ}\text{C} \text{ } (//\pm 100^{\circ}\text{C})//$) and three percent (3%) excess oxygen in the stack gas; or

B. Maintenance of the introduced liquids for a one and one-half (1 1/2) second dwell time at sixteen hundred degrees Celsius, plus or minus one hundred degrees Celsius, ($1,600^{\circ}\text{C} \text{ } (//\pm 100^{\circ}\text{C})//$) and two percent (2%) excess oxygen in the stack gas.

5. Combustion efficiency shall be at least ninety-nine and nine-tenths percent (99.9%), computed as follows: Combustion efficiency equals the concentration of carbon dioxide divided by the sum of the concentration of carbon dioxide and the concentration of carbon monoxide multiplied by one hundred

$$\frac{C_{\text{CO}_2}}{C_{\text{CO}_2} + C_{\text{CO}}} \times 100$$

where

C_{CO_2} = the concentration of carbon dioxide; and

where

C_{CO} = the concentration of carbon monoxide.

6. The provisions of 40 CFR 264.344(a)(2), as incorporated in 10 CSR 25-7.264 shall not apply in this rule.

(P) Health Profiles. *(Reserved)*

(Q) *(Reserved)*

(R) *(Reserved)*

(S) *(Reserved)*

(T) *(Reserved)*

(U) *(Reserved)*

(V) *(Reserved)*

(W) *(Reserved)*

(X) Miscellaneous Units. This subsection sets forth requirements which modify or add to the requirements in 10 CSR 25-7.264(2)(X).

1. Permit conditions will be based upon successful process demonstrations. The process demonstrations shall define the maximum PCB concentration and type of PCB material and PCB units that can be treated.

2. The final concentrations of treated PCB material must be less than two parts per million (2 ppm) PCB.

[(8)] (9) Interim Status Standards for Owners/Operators of PCB Facilities. The requirements set forth in 40 CFR Part 265, incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2) apply in this rule. This section sets forth standards for interim status PCB facilities which modify and add to the requirements of 40 CFR Part 265 incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2). This section does not apply to an owner/operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner/operator maintains compliance with section *[(5)](6)* or *[(6)](7)* of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.265 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.265 apply in this rule.

(A) General. Within one hundred eighty (180) days after the effective date of this rule, the owner/operator shall complete, sign and submit a PCB facility permit application or a closure plan prepared in accordance with 10 CSR 25-13.010*[(8)](9)(G)* to the director.

(B) General Facility Standards. *(Reserved)*

(C) Preparedness and Prevention. *(Reserved)*

(D) Contingency Plan and Emergency Procedures. *(Reserved)*

(E) Manifest System, Record Keeping and Reporting. The owner/operator shall comply with the requirements in section (3) of this rule.

(F) Groundwater Monitoring. *(Reserved)*

(G) Closure and Post-Closure. *(Reserved)*

(H) Financial Requirements. *(Reserved)*

(I) Use and Management of Containers. *(Reserved)*

(J) Tank Systems. *(Reserved)*

(K) Surface Impoundments. The management of PCB material, PCB units or both in surface impoundments is prohibited.

(L) Waste Piles. The management of PCB material, PCB units or both in waste piles is prohibited.

(M) Land Treatment. The management of PCB material, PCB units or both in a land treatment unit or facility is prohibited.

(N) Landfills. *(Reserved)*

(O) Incinerators. *(Reserved)*

(P) Thermal Treatment. *(Reserved)*

(Q) Chemical, Physical and Biological Treatment. *(Reserved)*

[(9)] (10) PCB Facility Permitting. The requirements in 40 CFR Part 270, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2) apply in this rule. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR Part 270 incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2). This section does not apply to an owner/operator of a provisionally regulated PCB facility or a mobile treatment unit provided that the owner/operator maintains compliance with section *[(5)](6)* or *[(6)](7)* of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.270 and those 40 CFR *[(P)]*parts incorporated by reference in 10 CSR 25-7.270 apply in this rule.

(A) General Information. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270 Subpart A, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(A). The owner/operator shall submit a Missouri PCB facility application on a form provided by the department.

(B) Permit Application. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270 Subpart B, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(B).

1. The requirements for qualifying for interim status are set forth in paragraph *[(9)](10)(G)2.* of this rule.

2. The waste analysis plan required by 40 CFR 270.14(b)(3), as incorporated in 10 CSR 25-7.270, shall be prepared in accordance with subsection *[(7)](8)(B).*

3. These requirements are in addition to the specific information requirements for incinerators in 40 CFR 270.19 as incorporated in 10 CSR 25-7.270.

A. 40 CFR 270.19(a), as incorporated in 10 CSR 25-7.270, shall not apply in this rule.

B. In addition to the requirements of 40 CFR 270.19(c)(5) as incorporated in 10 CSR 25-7.270, methods and results of monitoring for the following parameters shall be submitted from any previously-conducted trial burns: oxygen (O_2); carbon dioxide (CO_2); oxides of nitrogen (NO_x); hydrochloric acid (HCl); total chlorinated organic content (RCI); PCBs; and total particulate matter.

(C) Permit Conditions. *(Reserved)*

(D) Changes to Permit. *(Reserved)*

(E) Expiration and Continuance of Permits. *(Reserved)*

(F) Special Forms of Permits. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270

Subpart F incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(F).

1. In addition to the requirements of 40 CFR 270.62(b)(2), as incorporated in 10 CSR 25-7.270, the applicant shall conduct monitoring for the following parameters: a) oxygen (O₂); b) carbon monoxide (CO); c) carbon dioxide (CO₂); d) oxides of nitrogen (NO_x); e) hydrochloric acid (HCl); f) total chlorinated organic content (RCl); g) PCBs; and h) total particulate matter.

(G) Interim Status. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 270 Subpart G, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(G).

1. A PCB facility that meets the requirements of this subsection may continue to operate without a PCB permit if the facility remains in compliance with the interim status requirements in this subsection.

2. A PCB facility shall qualify for interim status if the facility—

A. Was in operation on August 13, 1986;

B. Filed a letter of intent with the department before December 12, 1986 to construct, alter or operate the facility; and

C. Is in compliance with section [(8)](9) of this rule.

[(10)] (11) Public Participation. The public participation requirements and variance and appeal procedures in 10 CSR 25-8.124 apply in this rule.

[(11)] (12) Minimum Operating Requirements for Specific Units.

(A) *[PCB-Contaminated Metals Reclamation Incinerators. This subsection shall apply to owners/operators of PCB-contaminated metals reclamation incinerators.] Scrap Metal Recovery Ovens and Smelters.*

1. *[PCB units shall be drained of all free-flowing liquids prior to thermal processing.] Scrap metal recovery ovens and smelters that are used to reclaim PCB-contaminated metals shall be operated in accordance with 40 CFR 761.72.*

2. *Minimum technical standards. The thermal treatment unit shall meet the following criteria: the temperature in the afterburner shall be equal to or greater than one thousand degrees Celsius (1000°C) and the combustion gas shall be retained in the afterburner for a period of at least one and one-half (1 1/2) seconds.*

3. *The owner/operator shall demonstrate compliance with the performance standards set forth in paragraph (11)(A)2. of this rule upon request of the department.]*

(B) (Reserved)

AUTHORITY: sections 260.370, [RSMo Supp. 1997] 260.395 and 260.396, RSMo [1994] 2000. Original rule filed Aug. 14, 1986, effective Jan. 1, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 1, 2001.

PUBLIC COST: The rule applies to any PCB material and PCB units, as defined in the rule. It also applies to PCB-contaminated waste shipped or managed at a Missouri PCB facility. Although some of the changes contained in the federal rule are more stringent and may result in increased costs of managing PCB materials, they are already in effect under federal law. Therefore, any increased costs to comply with the rule changes are already being incurred for purposes of compliance with the changes to the federal rule. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The rule applies to any PCB material and PCB units, as defined in the rule. It also applies to PCB-contaminated waste shipped or managed at a Missouri PCB facility. Although some of the changes contained in the federal rule are more stringent and may result in increased costs of managing PCB materi-

als, they are already in effect under federal law. Therefore, any increased costs to comply with the rule changes are already being incurred for purposes of compliance with the changes to the federal rule. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 15—Hazardous Substance Environmental
Remediation (Voluntary Cleanup Program)**

PROPOSED AMENDMENT

10 CSR 25-15.010 Hazardous Substance Environmental Remediation (Voluntary Cleanup Program). The commission is deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment removes a form from publication following this rule. The form titled "Transporter's Used Oil Shipment Record" was mistakenly included for publication in the most recent amendment of this rule. The form does not relate to operation of the Voluntary Cleanup Program and is correctly published in 10 CSR 25-II.279.

AUTHORITY: sections 260.370, [RSMo Supp. 1997 and] 260.567, 260.569, 260.571 and 260.573, RSMo [1994] 2000. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVillie, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

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Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission
Chapter 16—Universal Waste

PROPOSED AMENDMENT

10 CSR 25-16.273 Standards for Universal Waste Management. The commission is amending sections (1) and (2).

PURPOSE: Periodically, department staff review each rule to determine whether updates, clarifications, corrections, or substantive changes are needed. Since the most recent time this rule was amended, staff members have identified various necessary corrections and clarifications to the text of this rule. The proposed corrections and clarifications are intended to ensure that the rule is both accurate and concise. Also, this rule needs to be periodically updated to incorporate by reference the most current edition of the Code of Federal Regulations (CFR), published annually on July 1. Currently, this rule incorporates by reference the 1997 CFR, which includes changes through July 1, 1997. Updating this rule to incorporate by reference the 2000 edition of the CFR will ensure that this rule is both consistent with, and current through, the most recent edition of the CFR. This amendment would add to the rule all changes made to 40 CFR part 273, the corresponding part of the federal regulations, between July 1, 1997 and July 1, 2000. One of the changes to the federal Universal Waste Rule during this time period was the addition of lamps as a universal waste. Although lamps were already classified as a state-only universal waste in this rule, which is the state equivalent of the universal waste rule, amendments to the rule are necessary to ensure that it is consistent with the requirements specific to lamps contained in the federal rule. These changes are included in the proposed amendment.

(1) The regulations set forth in 40 CFR part 273, July 1, [1997] 2000, are incorporated by reference. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Small and large quantity handlers of universal waste, universal waste transporters, universal waste collection programs and owners/operators of a universal waste destination facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 273 incorporated in this rule. (Comment: This section has been organized such that Missouri additions or changes to a particular federal subpart are noted in the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 273 subpart A are found in subsection (2)(A) of this rule.)

(A) General. In addition to the requirements in 40 CFR part 273 subpart A, the following regulations also apply:

1. Scope.

A. In addition to the requirements in 40 CFR 273.1(a), incorporated into this rule, this part establishes requirements for mercury switches as described in subparagraph (2)(A)4.A. of this

rule, and mercury-containing thermometers and manometers as described in subparagraph (2)(A)4.B. of this rule [and mercury-containing lamps as described in subparagraph (2)(A)4.C. of this rule].

B. This rule does not apply to an owner/operator for that portion of or process at the facility which is in compliance with all requirements for the universal waste in question and of an R2 Missouri-certified resource recovery facility recycling universal waste as described in 10 CSR 25-9.020(3)(A)3.;

2. Applicability—batteries.

A. The additional state specific requirements described in this rule do not apply to batteries as described in 40 CFR 273.2;

3. Applicability—pesticides.

A. 40 CFR 273.3(a)(2) is modified as follows: Stocks of other unused pesticide products that are collected and managed as part of a universal waste pesticide collection program, as defined in paragraph (2)(A)/6./9. of this rule.

(I) 40 CFR 273.3(c) is not incorporated in this rule, and this subparagraph describes when pesticides become wastes:

(a) A pesticide becomes a waste on the date the generator of a recalled pesticide agrees to participate in the recall;

(b) A pesticide becomes a waste on the date /7/the person conducting a recall decides to discard the pesticide; and

(c) An unused pesticide product as described in 40 CFR 273.3(a)(2) becomes a waste on the date the generator permanently removes it from service.

B. The words “or reclamation” in 40 CFR 273.3(d)(1)(ii) are not incorporated in this rule;

4. Applicability—mercury switches, mercury-containing thermometers and manometers[, mercury-containing lamps].

A. Mercury switches.

(I) The requirements of this rule apply to persons managing mercury switches, defined as a device used to open, close or divert an electrical circuit that contains metallic mercury in an ampule and mercury-containing ampules that have been removed from these devices, except those listed in part A.(II) of this paragraph.

(II) The requirements of this rule do not apply to persons managing the following mercury switches:

(a) Mercury switches that are not yet wastes under 10 CSR 25-4.261. Part A.(III) of this paragraph describes when mercury switches become wastes;

(b) Mercury switches that are not hazardous waste. A mercury switch is a hazardous waste if it exhibits one (1) or more of the characteristics identified in 10 CSR 25-4.261.

(III) Generation of waste mercury switches.

(a) A used mercury switch becomes a waste on the date it is discarded or permanently removed from service.

(b) An unused mercury switch becomes a waste on the date the handler discards it or permanently removes it from service.

B. Mercury-containing thermometers and manometers.

(I) The requirements of this rule apply to persons managing mercury-containing thermometers and manometers, defined as instruments used to measure temperature or pressure that contain metallic mercury in [a] glass tubes with sealed, capillary bores and the mercury-containing tubes that have been removed from these devices, except those listed in part B.(II) of this paragraph.

(II) The requirements of this rule do not apply to persons managing the following mercury-containing thermometers and manometers:

(a) Mercury-containing thermometers and manometers that are not yet wastes under 10 CSR 25-4.261. Part B.(III) of this paragraph describes when mercury-containing thermometers and manometers become wastes;

(b) Mercury-containing thermometers and manometers that are not hazardous waste. A mercury-containing ther-

mometer and manometer is a hazardous waste if it exhibits one (1) or more of the characteristics identified in 10 CSR 25-4.261.

(III) Generation of waste mercury-containing thermometers and manometers.

(a) A used mercury-containing thermometer or manometer becomes waste on the date it is discarded or permanently removed from service.

(b) An unused mercury-containing thermometer or manometer becomes a waste on the date the handler discards it or permanently removes it from service[.];

[C. Mercury-containing lamps.

(I) The requirements of this rule apply to persons managing mercury-containing lamps, defined as light emitting bulbs that contain mercury including fluorescent, high-pressure sodium, mercury vapor and metal halide lamps, except those listed in part C.(II) of this paragraph.

(II) The requirements of this rule do not apply to persons managing the following mercury-containing lamps:

(a) Mercury-containing lamps that are not yet wastes under 10 CSR 25-4.261. Part C.(III) of this paragraph describes when mercury-containing lamps become wastes.

(b) Mercury-containing lamps that are not hazardous waste. A mercury-containing lamp is a hazardous waste if it exhibits one (1) or more of the characteristics identified in 10 CSR 25-4.261.

(III) Generation of waste mercury-containing lamps.

(a) A used mercury-containing lamp becomes a waste on the date it is discarded or permanently removed from service.

(b) An unused mercury-containing lamp becomes a waste on the date the handler discards it or permanently removes it from service[.];

5. (Reserved)

6. (Reserved)

7. (Reserved)

[5.] **8.** Applicability—household and conditionally exempt small quantity generator waste.

A. In addition to the requirements of 40 CFR [273.5(a)(1)] **273.8(a)(1)** incorporated in this rule, household hazardous wastes which are of the same type as universal wastes defined at 40 CFR [273.6] **273.9** as amended by [(2)(A)6.] **(2)(A)9.** of this rule, and which are segregated from the solid waste stream must either be managed in compliance with this rule or 10 CSR 25-4.261(2)(A)9.;

[6.] **9.** Definitions.

A. Universal waste—In lieu of the definition of “Universal waste” in 40 CFR [273.6] **273.9**, the following definition shall apply: “Universal waste” means batteries as described in 40 CFR 273.2, pesticides as described in 40 CFR 273.3 as modified by paragraph (2)(A)3. of this rule, mercury switches as described in subparagraph (2)(A)4.A. of this rule, thermostats as described in 40 CFR 273.4, as incorporated in this rule, mercury-containing thermometers and manometers as described in subparagraph (2)(A)4.B. of this rule *[and mercury-containing lamps as described in subparagraph (2)(A)4.C. of this rule]*.

B. Universal Waste Pesticide Collection Program—a Missouri universal waste pesticide collection program is any site where stocks of unused pesticide products are collected and managed. The collection program may accept unused pesticide products from both small and large quantity handlers of universal waste pesticides, universal waste transporters and other universal waste pesticide collection programs. The collection program must operate in compliance with the Department of Natural Resources’ Standard Procedures for Pesticide Collection Programs in Missouri and submit a Letter of Intent to the director of the

Hazardous Waste Program at least fourteen (14) days prior to accepting unused pesticide products. The Letter of Intent shall contain all of the following:

(I) The name of the organization/agency sponsoring the collection program;

(II) Name, telephone number and address of a contact person responsible for operating the collection program;

(III) Location of the collection program;

(IV) Date and time of the collection.

(B) Standards for Small Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart B, the following regulations also apply except that additional state specific requirements do not apply to batteries as described in 40 CFR 273.2, as incorporated in this rule:

1. In addition to the requirements of 40 CFR 273.11, a small quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving small quantity handler operates a universal waste pesticide collection program as defined in paragraph [(2)(A)6.] **(2)(A)9.** of this rule;

2. The requirements of 40 CFR 273.13(c) for small quantity handlers of universal waste thermostats, as incorporated in this rule, shall also apply to small quantity handlers of universal waste mercury switches and universal waste mercury-containing thermometers and manometers. Throughout 40 CFR 273.13(c), as incorporated in this rule, the word “thermostat” or “thermostats” shall be replaced with the phrase “thermostat, mercury switch, or thermometers and manometers,” as appropriate;

3. In addition to the requirements of 40 CFR 273.14, as incorporated in this rule, universal waste mercury switches (i.e., each switch, or a container in which the switches are contained) must be labeled or marked clearly with any one (1) of the following phrases: “Universal Waste—Mercury Switch(es),” or “Waste Mercury Switch(es),” or “Used Mercury Switch(es)”;

4. In addition to the requirements of 40 CFR 273.14, as incorporated in this rule, universal waste thermometers or manometers (i.e., each item, or a container in which the items are contained) must be labeled or marked clearly with any one (1) of the following phrases as is applicable to the waste: “Universal Waste—Mercury-Containing Thermometer(s) or Manometer(s),” or “Waste Mercury-Containing Thermometer(s) or Manometer(s),” or “Used Mercury-Containing Thermometer(s) or Manometer(s)[.]”;

[5. In addition to the requirements of 40 CFR 273.14, as incorporated in this rule, universal waste mercury-containing lamps (i.e., each lamp, or a container in which the lamps are contained) must be labeled or marked clearly with any one of the following phrases: “Universal Waste—Mercury-Containing Lamp(s),” or “Waste Mercury-Containing Lamp(s),” or “Used Mercury-containing Lamp(s)[.]”]

[6.] **5.** The phrase “or received from another handler” in 40 CFR 273.15(a) in regards to universal waste pesticides is not incorporated in this rule;

[7.] **6.** In 40 CFR 273.18(a), with respect to universal waste pesticides, remove the phrase “another universal waste handler” and replace it with “a Missouri-certified resource recovery facility, a universal waste pesticide collection program”;

[8.] **7.** In addition to the requirements of 40 CFR 273.18(a) through (c) as modified in paragraphs [(2)(B)6.] **(2)(B)5.** through [(2)(B)8.] **(2)(B)7.** and incorporated in this rule, in regards to universal waste pesticides, if a shipment of universal waste pesticides is rejected by the Missouri-certified resource recovery facility or destination facility, the originating handler must either:

A. Receive the waste back when notified that the shipment has been rejected; or

B. Send the pesticides to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

[9.] 8. 40 CFR 273.18(d) through (g) is not incorporated in this rule in regards to universal waste pesticides;

[10.] 9. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.20, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(C) Standards for Large Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart C, the following regulations also apply:

1. In addition to the requirements of 40 CFR 273.31, a large quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving large quantity handler operates a universal waste pesticide collection program as defined in paragraph [(2)/(A)/6.] (2)(A)9. of this rule;

2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) as modified by 10 CSR 25-16.273(2)(A)3. and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify EPA for those recalled universal waste pesticides under this section;

3. The requirements of 40 CFR 273.33(c) for large quantity handlers of universal waste thermostats, as incorporated in this rule, shall also apply to large quantity handlers of universal waste mercury switches and mercury-containing thermometers and manometers. Throughout 40 CFR 273.33(c), as incorporated in this rule, the word "thermostat" or "thermostats" shall be replaced with the phrase "thermostat, mercury switch, thermometer and manometer," or "thermostats, mercury switches, thermometers and manometers," as appropriate;

4. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste **thermostats, mercury switches, thermometers, manometers and** mercury-containing lamps in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

[A. *Contain and store unbroken lamps in a manner that minimizes breakage;*

B. *Place any mercury-containing lamp that shows evidence of damage or leakage in a container. The container must be closed, structurally sound, compatible with the contents of the lamp, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;*

[C.] A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills or leaks into a container that meets the requirements of 40 CFR 262.34;

[D.] B. Ensure that the area in which containers are stored is ventilated;

[E. *Ensure that employees handling universal waste mercury-containing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spillage or released material into appropriate containers;*

5. In addition to the requirements of 40 CFR 273.34, as incorporated in this rule, universal waste mercury switches (i.e., each switch, or a container in which the switches are contained) must be labeled or marked clearly with any one (1) of the follow-

ing phrases: "Universal Waste—Mercury Switch(es)," or "Waste Mercury Switch(es)," or "Used Mercury Switch(es)";

6. In addition to the requirements of 40 CFR 273.34, as incorporated in this rule, universal waste thermometers and manometers (i.e., each item, or a container in which the items are contained) must be labeled or marked clearly with any one (1) of the following phrases as is applicable to the waste: "Universal Waste—Mercury-Containing Thermometer(s) or Manometer(s)," or "Waste Mercury-Containing Thermometer(s) or Manometer(s)," or "Used Mercury-Containing Thermometer(s) or Manometer(s)";

[7. *In addition to the requirements of 40 CFR 273.34, as incorporated in this rule, universal waste mercury-containing lamps (i.e., each lamp, or a container in which the lamps are contained) must be labeled or marked clearly with any one (1) of the following phrases: "Universal Waste—Mercury-Containing Lamp(s)," or "Waste Mercury-Containing Lamp(s)," or "Used Mercury-Containing Lamp(s)";*

[8.] 7. In 40 CFR 273.35(a) and (b), the phrases "or received from another handler" are not incorporated in this rule in regards to universal waste pesticides;

[9.] 8. In 40 CFR 273.35(c)(1) through (c)(6), the phrases "or is received" and "or was received" are not incorporated in this rule in regards to universal waste pesticides;

[10.] 9. In 40 CFR 273.38(a), with respect to pesticide, remove the phrase "another universal waste handler" and replace it with "a Missouri-certified resource recovery facility, a universal waste pesticide collection program";

[11.] 10. In addition to the requirements of 40 CFR 273.38(a) through (c) incorporated by reference and modified by this section, if a shipment of universal waste pesticides from a large quantity generator is rejected by the Missouri-certified resource recovery facility or destination facility, the original handler must either:

A. Receive waste back when notified that the shipment has been rejected; or

B. Send the waste to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

[12.] 11. 40 CFR 273.38(d) through (f) is not incorporated in this rule with regards to universal waste pesticides;

[13.] 12. 40 CFR 273.39(c)(1) is not incorporated in this rule in regards to universal waste pesticides;

[14.] 13. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.40, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

AUTHORITY: section 260.370, RSMo [Supp. 1997] 2000. Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001.

PUBLIC COST: Each of the federal rules proposed for incorporation by reference in this amendment is largely less stringent and more flexible than current regulations. Consequently, even though there are some provisions that are more stringent, the Environmental Protection Agency has determined each rule to result in a net savings, rather than resulting in any increased costs, either to implementing agencies or to the regulated community. This determination is discussed in the Regulatory Impact Analysis section of the **Federal Register** notice corresponding to adoption of

the final rule and/or in the associated Economic Impact Analysis prepared by the EPA and referred to in the Regulatory Impact Analysis. Therefore, this proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: Any requirements or standards contained in this rule are optional and only applicable to generators or transporters who choose to manage a waste as a universal waste. Therefore, this proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on April 12, 2001 at the Hotel DeVille, 319 West Miller Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on March 29, 2001. Faxed or E-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on April 20, 2001. Faxed or E-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 60—Public Drinking Water Program

Chapter 13—Grants and Loans

PROPOSED AMENDMENT

10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems. The department is amending the Purpose statement and sections (1)–(4) and adding sections (5) and (6).

PURPOSE: This amendment adds criteria for providing grants for source water protection under the Conservation Reserve Enhancement Program (CREP). Applicants for this funding must have a department-approved source water protection program.

The process for evaluating grant applications is amended to include the Water and Wastewater Coordination Committee's pre-application process and the statutory requirement for applicants to obtain primary funding before applying for assistance under this rule. Grant applicants must show they meet or have a plan to meet technical, managerial, and financial (TMF) capacity requirements.

A provision is added that allows the state to require reimbursement of the grant funds if the grant recipient is sold to an entity other than a political subdivision of the state.

PURPOSE: This rule establishes the department's grant application procedures [and a means of administering the state funds appropriated] requirements and for construction of projects at public water supply districts and rural community water systems, and providing source water protection grants to support the Conservation Reserve Enhancement Program.

(1) Pre-Application Requirements. A pre-application for a grant shall be submitted on forms provided by the department and shall be accompanied by a preliminary engineering report. The pre-application shall contain a brief project description and such information as the department may find necessary to

begin coordination with the Missouri water and wastewater review committee or its successor and with other primary funding programs or agencies.

[[1]] (2) [Grant] Application Requirements.

(A) [An] As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant under this rule may be made to and processed by the department. The application shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.

(B) The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances.

(C) These grants are to be considered secondary sources of funding and, as such, shall in no case exceed one thousand four hundred dollars (\$1,400) per contracted connection *or*, fifty percent (50%) of the total project cost, **or \$500,000**, whichever is less.

(D) The grant application shall contain the **following** information [listed in paragraphs (1)(D)1.–6. of this rule]:

1. The preliminary engineering cost study for the proposed project including, but not limited to, the following items: development and administration costs; land, structures, right-of-way costs; legal costs; engineering costs; interest costs; equipment costs; contingencies; other costs; and total project costs;

2. The engineering report for the proposed project which is in accordance with accepted engineering practices. The current "Design Guide for Community Water Systems" and "Ten State Standards" and applicable rules should be considered for design standards;

[2.] 3. Bonded indebtedness **or other indebtedness** of the district or community, including: outstanding general obligation and revenue bonds; the purpose of each indebtedness; the amount of each indebtedness; the amortization period; the date payments are due; amount of installment; and the interest rate;

[3.] 4. The financial condition of the district or community, including: the total assessed value of agricultural, commercial and industrial property, vacant lots and residential property; total annual revenue anticipated from this assessed property; **water user charges**; other sources of income available to finance the project; and cash on hand. The latest audit with an update would satisfy the requirements of this paragraph;

[4.] 5. The information required to determine the cost per contracted connection;

[5.] 6. The median annual [gross] household income of the residents in the district or community as determined in the latest federal census; [and]

[6.] 7. Information required to determine the ratio of the contracted users to the potential users/.; and

8. An evaluation of the applicant's technical, managerial, and financial (TMF) capacity on forms provided by the department. An applicant that does not meet the TMF capacity requirements established in 10 CSR 60-3.030 shall submit a plan outlining the steps the applicant will take to meet the requirements. The plan shall show the applicant will meet TMF requirements before the project is complete or within one (1) year of the award of the grant unless the department determines that a longer period of time is necessary.

[[2]](3) Grant Priorities.

(A) Priorities for grants for public water supply districts and rural community water systems shall be established by the department.

(B) *[The establishment of priorities and d]* Determination of relative need will be coordinated with appropriate federal grant and lending agencies and with appropriate state agencies. Preference may be given to projects needing a grant in order to obtain state or federal drinking water loan assistance. It is the intent of the department to maximize the effective use of state and federal grant and loan funds.

[(3)](4) Approval and Payment of Grants.

(A) The applicant shall be notified by the department when the grant application has been approved.

(B) Installment payments of the grant for construction projects shall be made at the request of the applicant and shall be based on expenditures outlined in paragraph *[(1)](D)1.* (2)(E)1. of this rule. Payments will be made in equal installments as *[listed in paragraphs (3)(B)1.-4 of this rule—]* follows:

1. A first installment will be made when not less than twenty-five percent (25%) of the construction of the project is completed;

2. A second installment will be made when not less than fifty percent (50%) of the construction of the project is completed;

3. A third installment will be made when not less than seventy-five percent (75%) of the construction of the project is completed; and

4. A fourth installment will be made after the project is completed, appropriate receipts and expenditures have been submitted and approved by the department, a consultant's statement of work completion has been received, and a final inspection has been performed by department personnel and construction is approved by the department.

(C) Any cost of work completed after the department's final inspection approval shall not be an eligible project cost.

(D) An audit to verify expenditures of grant funds may be made by the department after the completion of each approved project.

(5) If at any time during the first twenty (20) years of the design life of the facility(ies) funded under this rule the facility is sold, either outright or on a contract for deed, to other than a political subdivision of the state, the state may require reimbursement of the grant funds. The total amount of the grant funds to be reimbursed shall be based on a twenty (20)-year straight-line depreciation. Grant funds to be reimbursed, shall become due and payable upon transfer of ownership of the facility(ies).

(6) Grants for Conservation Reserve Enhancement Program Participants.

(A) Program Description and Definition of Terms.

1. The Conservation Reserve Enhancement Program (CREP) is a state-federal partnership program targeted to address specific water quality, soil erosion and wildlife habitat issues related to agricultural use. The CREP uses financial incentives to encourage farmers to voluntarily enroll in contracts to remove lands from agricultural production and, instead, to implement approved conservation reserve practices.

2. Approved conservation reserve practices in this program are: introduced grasses and legumes, native grasses, hardwood tree planting, wildlife habitat, contour grass strips, filter strips, riparian buffers, and wetland restoration.

3. The purpose of the grants provided under this section (6) is to provide an additional cash incentive ("rental enhancement payment") to farmers to encourage participation in CREP. The rental enhancement payment is a per-acre cash payment to participating farmers for land enrolled in the CREP that is in addition to other payments or financial assistance from federal or state funds and is a percentage of the annual base rental payment.

4. The annual base rental payment is the average weighted soil rental rate for the three (3) predominant soil types on

the acreage offered. The U.S. Department of Agriculture maintains this information on a county-by-county basis for the entire country.

(B) Application Requirements.

1. As required by section 640.615, RSMo, the applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance. After the amount of that assistance has been determined, an application for a grant shall be submitted on forms provided by the department. The application shall be supported by the necessary documents and forms from other state and federal grant or lending agencies or private lending agencies to enable the department to establish eligibility and need for grant funds.

2. The application shall contain:

A. The number of acres being protected;

B. The source for the local match;

C. A letter from the local soil conservation district approving the proposed practices to be implemented including a reasonable time line for completion;

D. A legal description of the project; and

E. The name and address of the farmer(s) (subrecipients) proposing the practices.

3. The project for which the grant application is submitted shall comply with appropriate state and local laws, rules and ordinances. These projects shall be limited to those areas with a source water protection program approved by the department.

4. These grants are to be considered secondary sources of funding and, as such, shall in no case exceed one thousand four hundred dollars (\$1,400) per contracted connection, fifty percent (50%) of the total project cost, or \$500,000, whichever is less.

5. A local match for the rental enhancement payment grant is expected. The department expects rental enhancement payment grants not to exceed five percent (5%) of the annual base rental payment and expects this to be matched with an equal amount of other nonfederal funding. Funding priority will be given to those applicants that offer the highest percentage of matching funds. If matching funds are not available, the applicant may request a reduction or waiver of the match requirement, in which case the rental enhancement payment grant shall not exceed ten percent (10%) of the annual base rental payment.

(C) Approval and Payment of Grants.

1. The applicant shall be notified by the department when the grant application has been approved.

2. Payments will be made to the recipient in a lump sum after completion of the approved practice. These grant payments shall be made immediately available to the farmer (subrecipient) implementing the practices. Grant payments to the recipient may be combined to cover multiple subrecipients.

(D) If a subrecipient fails to carry out the terms and conditions of the CREP contract, the state may require reimbursement of the rental enhancement payment portion of the grant with interest.

AUTHORITY: section 640.615, RSMo [1994] 2000. This rule was previously filed as 10 CSR 60-2.020 Sept. 21, 1973, effective Oct. 1, 1973. Amended: Filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed April 14, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed Feb. 2, 1983, effective July 1, 1983. Emergency amendment filed July 3, 1989, effective July 27, 1989, expired Nov. 23, 1989. Amended: Filed July 3, 1989, effective Nov. 23, 1989. Amended: Filed Jan. 19, 2001.

PUBLIC COST: This proposed amendment is anticipated to cost the Department of Natural Resources an average of approximately \$646,697 annually during the first five years the rule is in effect

and approximately \$46,697 annually thereafter. This proposed amendment is anticipated to cost 10 community water systems applying for a construction grant a total of about \$2,563 annually and 5 public water supply districts applying for a construction grant a total of about \$1,313 annually.

Also, 53 community water systems and 5 public water supply districts are eligible to participate in the CREP grant opportunity established by this amendment. The CREP is anticipated to cost the 53 community water systems about \$550,926 as an annual average ($\$10,394.82 \times 53$ systems) during the first five years the rule is in effect and five public water supply districts about \$51,974 as an annual average ($\$10,394.82 \times 5$ systems) during the first five years the rule is in effect.

No water systems are required to participate in the grant programs established by this rule. Participation, and therefore any costs incurred, is voluntary on the part of the water systems.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: An information meeting and public hearing will be held at 11:00 a.m., April 10, 2001, at the Public Drinking Water Program, 101 Adams Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.

Written comments must be postmarked or received by April 17, 2001. Comments may be mailed or faxed to: Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10
Division: 60
Chapter: 13
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Class of Political Subdivision	Estimated Annualized Cost of Compliance in the Aggregate, FY2002- 2006 ¹	Estimated Annualized Cost of Compliance in the Aggregate, FY2007 and subsequent years ²
Department of Natural Resources	\$ 646,697	\$ 46,697
Community Water Systems ³ serving less than 10,000 people and choosing to apply for a construction grant (about 10 annually) ⁴	\$2,563	\$ 2,563
Public Water Supply Districts choosing to apply for a construction grant (about 5 annually) ⁵	\$ 1,313	\$ 1,313
Community Water Systems choosing to participate in CREP (53 total systems) ⁶	\$ 550,926	\$ 0
Public Water Supply Districts choosing to participate in CREP (5 total systems) ⁷	\$ 51,974	\$ 0

¹ The estimated cost does not take into account inflationary factors. It is anticipated that the CREP grants will be awarded during the first five years of the rule, so that block of time is listed separately. An annualized estimated cost, rather than a five-year cost, is provided for this time period to facilitate the review required at the end of the first full first year.

² The rule is expected to be in effect in perpetuity. Because the duration of the rule cannot be accurately estimated, an annualized estimated cost is provided. The cost estimate does not take into account inflationary factors, which are unknown.

³ Community water system is defined at 10 CSR 60-2.015(2)(C)9. and in federal regulations at 40 CFR 141.2. Cities, public water supply districts, trailer parks, and subdivisions are types of community water systems. Community water systems and public water supply districts are both types of public water systems. Only publicly-owned public water systems (municipalities and public water supply districts) are eligible for grant funds of any kind under this rule.

^{4,5,6,7} No water systems are required to participate in this grant program. All costs to water systems are discretionary unless they choose to receive a grant.

III. WORKSHEET

A. Department of Natural Resources.

1. Estimated cost of CREP rental enhancement grant.

50,000 eligible acres x average \$80 rental rate per acre per year x 15 years x 5% state match / 5 years = \$600,000 average annualized cost for state match during the anticipated five-year application period.

2. Estimated cost to implement and administer construction grants and CREP grants.
0.9 FTE environmental engineer = \$46,697 (salary, fringe, indirect)
- B. Community Water Systems.
 1. Cost to fill out the preapplication for a construction grant = 10 systems x 10 hours x \$25/hr = \$2,500 annually.
 2. Cost to develop and submit TMF compliance plan = .25 systems x 10 hours x \$25/hr = \$62.50 annual average.
 3. Cost of applying for CREP rental enhancement grant = 53 systems x 10 hours x \$25/hr / 5 years = \$2,650 annually.
 4. Cost of providing match for the CREP rental enhancement grant.
 - a) 50,000 eligible acres x average \$80 rental rate per acre per year x 15 years rental commitment x 5% local match = \$3,000,000 local match for CREP rental enhancement grant.
 - b) \$3,000,000 local match / 5 years = \$600,000 average annual cost during the anticipated five-year application period for all 58 eligible water systems.
 - c) Community water system cost for local match = \$600,000 / 58 eligible systems x 53 community water systems = \$548,275.86 average annual cost for 53 CWS.
- C. Public Water Supply Districts.
 1. Cost to fill out the preapplication for a construction grant = 5 systems x 10 hours x \$25/hr = \$1,250 annually.
 2. Cost to develop and submit TMF compliance plan = .25 systems x 10 hours x \$25/hr = \$62.50 annual average.
 3. Cost of applying for CREP grant = 5 systems x 10 hours x \$25/hr / 5 years = \$250 annually.
 4. Cost of providing match for the CREP rental enhancement grant.
 - a) 50,000 eligible acres x average \$80 rental rate per acre per year x 15 years rental commitment x 5% local match = \$3,000,000 local match for CREP rental enhancement grant.
 - b) \$3,000,000 local match / 5 years = \$600,000 average annual cost during the anticipated five-year application period for all 58 eligible water systems.
 - c) Public water supply district cost for local match = \$600,000 / 58 eligible systems x 5 public water supply districts = \$51,724.14 average annual cost for 5 PWSD.

IV. ASSUMPTIONS

1. From 1974 through 1995, the department awarded rural water grants to 300 small communities and public water supply districts under this rule. The department assumes that this average of about 15 construction grants awarded per year will continue. Based on historical data, the department assumes that about 2/3 of the applicants will be community water systems and 1/3 will be public water supply districts.
2. The department estimates that it will take an applicant about ten hours to provide the preapplication form and supporting documents at a cost of about \$25 per hour including benefits.
3. The department assumes that providing the preliminary engineering report will not add to the costs incurred by an applicant because this report is already required under 10 CSR 60-13.010 for construction projects.
4. The department assumes that the existing TMF forms developed for other rules will be used for this rule. The department assumes that it will take an environmental engineer about four hours per application to evaluate the TMF forms provided by the grant applicants, based on permit reviews for continuing operating authority TMF.

5. The department estimates, based on historical data tracking systems not making substantial progress toward compliance, that an average of one applicant every two years may not initially meet TMF requirements and will have to develop a TMF plan. The department assumes that half of these applicants will be community water systems and half will be public water supply districts.
6. The department assumes that all 58 public water systems eligible for a CREP rental enhancement payment grant will apply for the grant. The department assumes that these applications will be made within the first five years of the rule's effective date.
7. The department assumes that it will incur costs equivalent to 0.9 FTE of an environmental engineer for development and implementation of the CREP rental enhancement grant program, and to process the preapplications and TMF information for the construction grants.
8. The department assumes that the cost of processing CREP grant payments will be absorbed by the ongoing grant payment process.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 13—Grants and Loans**

PROPOSED AMENDMENT

10 CSR 60-13.020 Drinking Water Revolving Fund Loan Program. The commission is amending sections (2) and (4) and adding section (5).

PURPOSE: This amendment adds requirements for a direct loan program and clarifies applicability of the public participation, water use ordinance and state prevailing wage requirements to privately-owned public water systems.

(2) Requirements for Loan Recipients. This section applies to recipients of loans from the Drinking Water Revolving Fund established in section 640.107, RSMo as a subfund of the Water and Wastewater Loan Fund. The recipient must satisfy more stringent requirements if required to do so by federal, state or local statutes, policies, rules, ordinances or orders.

(E) Public Participation. The public must be allowed an opportunity to exchange ideas with the applicant during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action. At a minimum, the recipient must provide the *[following]* opportunities for public participation **listed in this subsection, except that Public Service Commission (PSC)-regulated utilities must proceed through appropriate procedures established by the PSC/./**

1. A public meeting shall be conducted to discuss the alternative engineering solutions/./

2. Prior to approval of the draft user charge ordinance, a public meeting shall be conducted to address the proposed user charge rates. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspapers, as needed to cover the project service area. The recipient shall prepare a transcript, recording or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review/./ and/.

3. Public participation requirements for environmental review are in 10 CSR 60-13.030.

(G) Additional Preclosing Requirements. After the department has entered into a binding commitment with the applicant, the following requirements must be met before loan closing can occur. All documents and information necessary to provide assistance must be submitted to the department in sufficient time to allow adequate time for review and must be approved sixty (60) days prior to the loan closing date established by the department. The department may extend deadlines if justified.

1. Final document submittal. The following documents must be submitted to and approved by the department:

A. Resolution identifying the authorized representative by name. Applicants for assistance under the DWRF shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests and act in behalf of the applicant in all matters related to the project;

B. Any and all changes to the proposed project schedule;

C. Draft engineering contract as described in subsection (2)(L) of this rule;

D. Plans and specifications certified by a registered professional engineer licensed in Missouri;

E. Certification of easements and real property acquisition. Recipients of assistance under the DWRF loan program shall have obtained title or option to the property or easements for the project prior to loan closing;

F. Draft user charge and water use ordinances as described in paragraph (2)(G)3. of this rule; and

G. Other information or documentation deemed necessary by the applicant or the department to ensure the proper expenditure of DWRF funds.

2. Projects serving multiple water systems. Prior to closing, if the project serves two (2) or more public water systems, the applicant shall submit executed agreements or contracts between the public water systems for the financing, construction and operation of the proposed facilities. At a minimum, the agreement or contract shall include:

A. The operation and maintenance responsibilities of each party upon which the costs are allocated;

B. The formula by which the costs are allocated; and

C. The manner in which the costs are allocated.

3. User charge (water rate) ordinance.

A. **For non-PSC-regulated utilities:**

(I) Loan recipients are required to maintain, for the useful life of the project, user charge ordinances approved by the department. User charge ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed project. A copy of the enacted ordinances shall be submitted prior to initiation of operation/./;

/B./**(II)** The user charge system shall be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. A one hundred ten percent (110%) debt service reserve may be required. Each user charge system shall—

/I/./**(a)** Be based upon actual use;

/II/./**(b)** Include an adequate financial management system that will accurately account for revenues generated by the system, debt service and loan fee costs and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy and administration;

/III/./**(c)** Provide for an annual review of charges; and

/IV/./**(d)** Be based on an approved rate guidance, such as the American Waterworks Association guidance/./; and

/C./**(III)** The loan recipient shall provide certification that the rates were derived using an acceptable rate method.

B. PSC-regulated utilities shall comply with the requirements of the PSC in developing and implementing their user charge ordinances but shall ensure that sufficient rates and charges are in effect to satisfy bond covenants throughout the term of the loan.

4. Water use ordinance. Applicants dependent on user fees for debt payment or operation and maintenance expenses shall have in place an enforceable water use ordinance prior to loan closure. The water use ordinance shall address water system responsibilities and customer responsibility relating to installation and maintenance of water meters and water lines; easements; alternative sources of water; and provisions for breach of contract and liquidated damages. The water use ordinance is intended to be an effective business tool for the efficient management of the water system.

5. Additional requirements for privately-owned public water systems. Privately-owned public water systems must provide documentation from the Missouri Department of Economic Development showing an allocation under Missouri's private activity bond cap and must obtain any necessary approvals from the Public Service Commission.

(M) Specifications. The construction specifications must contain the following:

1. Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product or service to be procured. The description, in competitive procurement, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product or service to be

procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;

2. The recipient shall avoid the use of detailed product specifications if at all possible;

3. When in the judgment of the recipient it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a brand name or equal description as a means to define the performance or other salient requirements of a procurement. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand which must be met by offerors;

4. Sole source restriction. A specification shall not require the use of structures, materials, equipment or processes which are known to be available only from a sole source, unless the department determines that the recipient's engineer has adequately justified in writing to the department that the proposed use meets the particular project's minimum needs;

5. Experience clause restriction. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified;

6. Domestic products procurement law. In accordance with sections 34.350–34.359, RSMo, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or subcontract awarded on a loan project to be manufactured, assembled or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%);

7. Bonding. On construction contracts exceeding one hundred thousand dollars (\$100,000), the bid documents shall require each bidder to furnish a bid guarantee equivalent to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each of which shall be in an amount not less than one hundred percent (100%) of the contract price;

8. State wage determination. The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, **if otherwise required by law**;

9. Small, minority, women's and labor surplus area businesses.

A. The recipient shall take affirmative steps and the bid documents shall require the bidders to take affirmative steps to assure that small, minority and women's businesses are used when possible as sources of supplies, construction and services.

B. If the contractor awards subagreements, then the contractor is required to take the affirmative steps in this paragraph (2)(M)9.

C. Affirmative steps shall include the following:

(I) Including qualified small, minority and women's businesses on solicitation lists;

(II) Assuring that small, minority and women's businesses are solicited whenever they are potential sources;

(III) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority and women's businesses;

(IV) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority and women's businesses;

(V) Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the United States Department of Commerce as appropriate;

10. Debarment/suspension. The recipient agrees to deny participation in services, supplies or equipment to be procured for this project to any debarred or suspended firms or affiliates in accordance with Executive Order 12549. The recipient acknowledges that doing business with any party listed on the List of Debarred, Suspended or Voluntarily Excluded Persons may result in disallowance of project costs under the assistance agreement;

11. Right of entry to the project site shall be provided for representatives of the department, Environmental Improvement and Energy Resources Authority (EIERA) and U.S. Environmental Protection Agency so they may have access to the work wherever it is in preparation or progress; and

12. The specifications must include the following statement: "The owner shall make payment to the contractor in accordance with section 34.057, RSMo."

(4) Leveraged Loans.

(A) This section describes the leveraged loan process and contains additional requirements for recipients of a leveraged loan under the Drinking Water Revolving Fund established in section 640.107, RSMo as a subfund of the Water and Wastewater Loan Fund. All other requirements also apply, including administrative fees in subsection (2)(B) of this rule, **except for section (5) which applies specifically to DWRF direct loans.**

(5) DWRF Direct Loans.

(A) General.

1. This section describes the process and requirements for direct loans awarded under this rule. All other requirements also apply, including administrative fees in subsection (2)(B) of this rule, **except for subsection (2)(A) and section (4) of this rule which pertain to leveraged loans.**

2. This rule sets out the general format for the direct loan program. The commission and the department shall have the authority to make specific refinements, variations or additional requirements as may be necessary or desirable in connection with the efficient operation of the direct loan program.

3. The department may make direct loans by purchasing the general obligation bonds, revenue bonds, short-term notes or other acceptable obligation of any qualified applicant for the planning, design and/or construction of an eligible project. These loans shall not exceed the total eligible project costs described in subsection (2)(S) of this rule less any amounts finalized by any means other than through the direct loan program. The department is not required to offer direct loans to drinking water revolving fund loan program applicants.

(B) Interest Rate.

1. The target interest rate (TIR) for all direct loan assistance provided under this rule will be not less than zero percent (0%) nor more than market rate as determined by the Twenty-Five Revenue Bond Index published by the Bond Buyers Index of Twenty Bonds rounded to the nearest one-tenth (0.1) of one percent (1%). The department will use the Twenty-Five Revenue Bond Index most recently published prior to the date on which the project assistance is provided for all loans except those secured by general obligation bonds. For these transactions, the rate published immediately preceding filing with the state auditor's office will be used.

2. Interest on the unpaid balance will begin accruing on the last day of the month in which a construction advance is made and will be compounded at the end of each month after that until such time as the construction loan along with all interest accrued is paid in full.

(C) Letter of Intent. The department will issue a letter of intent to make a direct loan when the application documents are approved and the commission approves the project for receipt of loan funds. The letter of intent shall state the amount of funds reserved for the project, the requirements to qualify for receipt of loan funds and the schedule for the applicant to meet all requirements. The department may terminate this letter of intent for failure to meet the schedule requirements or

conditions of the letter of intent. The amount of assistance stated in the letter of intent may be adjusted to reflect actual costs and the availability of funds.

(D) **Construction Loans.** The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans may contain clauses and provisions determined by the department to be necessary to protect the interests of the state.

1. With exception of substate revolving funds, the construction loan will remain in force throughout the construction period. However, it must be paid in full no later than the closing deadline provided in the construction loan agreement.

2. If the department is to provide long-term financing under this rule, then the construction loan must contain an agreement by the department and the recipient that the department will purchase the recipient's general obligation, revenue bonds or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.

3. Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly. The maximum construction advance shall be the sum of all eligible costs incurred to date. Each payment request shall include the following information:

A. Completed reimbursement request form;

B. Construction pay estimates signed by the construction contractor, the recipient and the resident inspector, if applicable;

C. Invoices for other eligible services, equipment and supplies for the project; and

D. Any other information deemed necessary by the department to insure proper project management and expenditure of public funds.

4. If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that a state payment check be issued to the recipient.

(E) The department may require the recipient to contract with a trustee or paying agent to provide all or part of the following services:

1. Make joint assistance payments to the recipients and their contractors;

2. Ensure that payments are only released to those recipient's whose contractors have a project contract approved by the department;

3. Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department; and

4. Maintain financial records of credits and debits for the construction project.

(F) **Purchase of Obligations.** The department shall purchase revenue bonds, general obligation bonds or other acceptable debt obligations from the recipient no later than the closing deadline contained in the construction loan agreement. In addition to the requirements of this rule, the department may require the recipient to include those assurances and clauses in the loan agreements and bond resolutions as deemed necessary to protect the interest of the state.

(G) **Amortization Schedules.** The department shall use the following guidelines to establish amortization schedules for obligations purchased under this rule:

1. The bonds, notes or other debt obligations shall be fully amortized in no more than twenty (20) years after initiation of operation;

2. The payment frequency on any debt obligations shall be no less than annual with the first payment no later than one (1) year after the initiation of operation;

3. The amortization schedule may either be straight line or declining schedules for the term of the debt obligation; and

4. Repayment of principal shall begin not later than one (1) year after initiation of operation.

(H) If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.

AUTHORITY: sections 640.100 and 640.107, RSMo [Supp. 1998] 2000. Emergency rule filed July 15, 1998, effective July 25, 1998, expired Feb. 25, 1999. Original rule filed Aug. 17, 1998, effective April 30, 1999. Amended: Filed Jan. 19, 2001.

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: An information meeting and public hearing will be held at 11:00 a.m., April 10, 2001, at the Public Drinking Water Program, 101 Adams Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the Missouri Register page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.

Written comments must be postmarked or received by April 17, 2001. Comments may be mailed or faxed to: Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Public Drinking Water Program Chapter 13—Grants and Loans

PROPOSED RULE

10 CSR 60-13.025 State Loan Program

PURPOSE: This rule establishes requirements for loans from state funding for financing construction improvements at public water systems.

(1) **General Requirements.**

(A) The department may make direct loans to public water systems by purchasing the general obligation bonds, revenue bonds, short-term notes or other acceptable obligation of any qualified applicant for the planning, design or construction, or any combination of these, of an eligible project.

(B) In addition to the requirements of this rule, the department may require the recipient to include those assurances and clauses in the loan agreements and bond resolutions as deemed necessary to protect the interest of the state and comply with applicable state and federal requirements.

(C) If at any time during the loan period the facility(ies) financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.

(D) This rule sets out the general format for loans from state funds. The commission and the department shall have the authority to make specific refinements, variations or additional requirements as may be necessary or desirable in connection with the efficient operation of the loan process.

(E) If at any time during the loan period the facility financed under this rule is sold, either outright or on contract for deed, the loan becomes due and payable upon transfer unless otherwise approved by the department.

(2) Eligibility.

(A) Eligible Systems. Public water supply districts and rural community water systems located in Missouri are eligible to apply. Eligibility to apply does not guarantee assistance or eligibility for assistance.

(B) Eligible Projects.

1. Assistance may be provided for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which will facilitate compliance with national primary drinking water regulations applicable to the system or otherwise significantly further the health protection objectives of the federal Safe Drinking Water Act (SDWA).

2. Projects to address federal SDWA health standards identified in the intended use plan or in the loan priority point criteria that have been exceeded and projects to prevent future violations of the rules are eligible for funding. These include projects to maintain compliance with existing regulations for contaminants with acute health effects (such as the Surface Water Treatment Rule, the Total Coliform Rule, and nitrate standard) and regulations for contaminants with chronic health effects (such as Lead and Copper Rule, Phases I, II, and V Rules, and safety standards for total trihalomethanes, arsenic, barium, cadmium, chromium, fluoride, mercury, selenium, combined radium-226, -228, and gross alpha particle activity).

3. Projects to address imminent federal SDWA health standards (identified in the annual intended use plan) that have been exceeded or to prevent future violations of the anticipated rules are eligible for funding.

4. Projects to replace aging infrastructure are eligible if they are needed to maintain compliance or further the public health protection objectives of the federal SDWA. Examples of these include projects to:

A. Rehabilitate or develop sources to replace contaminated sources or sources of inadequate capacity;

B. Install or upgrade treatment facilities if, in the department's opinion, the project would improve the quality of drinking water to comply with primary or secondary standards;

C. Install or upgrade storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering the water system or improve water pressure to safe levels; and

D. Install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels.

5. Projects to consolidate water supplies (for example, when individual homes or other public water supplies have a water supply that is contaminated, or the system is unable to maintain compliance for financial or managerial reasons) are eligible for loan assistance.

6. The purchase of a portion of another system's capacity is eligible for a loan if it is the most cost-effective solution.

(3) Application Procedures.

(A) Applicants must have previously submitted a preliminary project proposal on forms provided by the department by the deadline established by the department and have received an invitation from the department to apply for financial assistance.

(B) Applications must be postmarked or received by the Public Drinking Water Program by the calendar date established in the annual application package as the application deadline. The department may extend this deadline if insufficient applications are received to use all of the funds expected to be available. Applicants shall provide:

1. A completed application form provided by the department;

2. Documentation that they have a chief operator certified at the appropriate level, or expect to have prior to loan award;

3. Documentation that they have an emergency operating plan, or expect to have prior to loan award;

4. Any additional information requested by the department for priority point award or project evaluation;

5. Any additional information request by the department to determine the applicant's compliance history and technical, managerial and financial capacity; and

6. Any additional information for determination of financial capability of the applicant. This may include but is not limited to: changes in economic growth, changes in population growth, depreciation, existing debt, revenues, project costs, and effects of the project on user charge rates.

(C) Unsuccessful applicants requesting funds during a given fiscal year who have completed the requirements in subsection (3)(B) of this rule shall be considered for funding the next fiscal year and need not reapply.

(D) By submission of its application, the applicant certifies and warrants that the applicant has not, nor will through the loan amortization period, violate any of its bond covenants.

(4) Evaluation and Priority Point Award.

(A) Projects will be assigned priority points in accordance with the Drinking Water Revolving Fund (DWRf) loan priority point criteria approved by the commission under 10 CSR 60-13.020(1)(E)1. Projects will be listed in priority order according to the number of priority points assigned to the project. Projects accumulating the same total number of priority points will be ranked using the tie-breaking criteria in the DWRf loan priority point criteria.

(B) The department shall prepare and seek public comment on an annual intended use plan that includes the list of proposed projects. The commission may hold one or more public meetings or public hearings on the intended use plan for loans. Any applicant aggrieved by his/her standing may appeal to the commission during the public comment process.

(C) No direct loan assistance shall be provided to a public water system that does not have the technical, managerial, and financial (TMF) capacity to ensure compliance with the federal SDWA, unless the owner or operator of the system agrees to undertake feasible and appropriate changes to ensure that the system has TMF capacity.

(D) No direct loan assistance shall be provided to a public water system that is in significant noncompliance with any requirement of a national primary drinking water regulation or variance unless use of the assistance will ensure compliance.

(5) Loan Fees. The department may charge annual loan fees not to exceed one percent (1%) of the outstanding loan balance of each loan. These fees are intended to reimburse the department for the costs of loan origination, loan servicing and administration of the program. In addition to this fee, additional administrative fees may be assessed by the department at the time the administration fee is calculated for failure by a recipient to submit approved documents to the department (examples include but may not be limited to: operation and maintenance manuals, plan of operation, enacted user charge and water-use ordinances and executed contract documents) in accordance with the time frames provided under the agreement entered into by the recipient. The additional fee will be an additional one-tenth percent (.1%) per month that the document remains delinquent. The additional fee will be collected only during the year in which the document is not submitted.

(6) Interest Rates.

(A) The interest rate charged by the department on direct loans will not be less than zero percent (0%) nor more than market rate as determined by the Twenty-Five Revenue Bond Index published by the Bond Buyers Index of Twenty Bonds rounded to the nearest one-tenth (0.1) of one percent (1%). The department will use the Twenty-Five Revenue Bond Index most recently published prior to the date on which the project assistance is provided for all loans except those secured by general obligation bonds. For these transactions, the rate published immediately preceding filing with the State Auditor's Office will be used.

(B) Interest on construction loans will begin accruing on the last day of the month in which a construction advance is made and will

be compounded at the end of each month after that until such time as the construction loan along with all interest accrued is paid in full.

(7) Amortization Schedules. The department shall use the following guidelines to establish amortization schedules for obligations purchased under this rule:

(A) The bonds, notes or other debt obligations shall be fully amortized in no more than twenty (20) years after initiation of operation;

(B) The payment frequency on any debt obligations shall be no less than semiannual with the first payment no later than one (1) year after the initiation of operation;

(C) The amortization schedule may either be straightline or declining schedules for the term of the debt obligation; and

(D) Repayment of principal shall begin not later than one (1) year after initiation of operation.

(E) If the department is the bond owner, the participant's bonds may be called and reissued.

(8) Requirements for Loan Recipients.

(A) Project Design. Design of projects for community water systems shall conform with accepted engineering practices. A preliminary design submittal, including the design criteria and facilities layout sheet, may be required at approximately the twenty percent (20%) design stage.

(B) Public Participation. The public must be allowed an opportunity to exchange ideas with the applicant during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action.

1. A public meeting shall be conducted to discuss the alternative engineering solutions.

2. Prior to approval of the draft user charge ordinance, a public meeting shall be conducted to address the proposed user charge rates. Public notice of the meeting should be published at least thirty (30) days prior to the meeting date in one (1) or more local newspaper, as needed to cover the project service area. The recipient shall prepare a transcript, recording or other complete record of the proceeding along with proof of publication and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.

(C) Binding Commitment. In order for the department to offer to enter into a binding commitment, all documents and information required here must be submitted to the department at least sixty (60) days prior to the applicant's binding commitment deadline established by the department.

1. Engineering report.

A. Engineering reports must be in accordance with accepted engineering practices and applicable rules. References such as the current Design Guide for Community Water Systems and Ten State Standards should be considered as design standards.

B. The most feasible, economic and environmentally sound alternatives for providing safe drinking water must be studied and evaluated.

C. An estimate of the average user charge including documentation of the basis of the estimate must be included.

D. An assessment of the environmental conditions and impact of the proposed project on the environment is required.

2. Detailed project budget.

3. Project schedule.

A. Construction start defined as date of issuance of notice to proceed.

B. Construction completion.

C. Initiation of operation.

D. Project completion.

(D) Loan Closing. After the department has entered into a binding commitment with the applicant and the requirements of subsections (8)(B) and (8)(C) have been met, the following additional

requirements must be met before loan closing can occur. All documents and information must be submitted to the department in sufficient time to allow adequate time for review and must be approved sixty (60) days prior to the loan closing date established by the department. The department may extend deadlines if justified.

1. Final document submittal. The following documents must be submitted to and approved by the department:

A. Resolution identifying the authorized representative by name. Applicants for assistance shall provide a resolution by the governing body designating a representative authorized to file the application for assistance, reimbursement requests and act in behalf of the applicant in all matters related to the project;

B. Any and all changes to the proposed project schedule;

C. Draft engineering contract as described in this rule;

D. Plans and specifications certified by a registered professional engineer licensed in Missouri;

E. Certification of easements and real property acquisition. Recipients of assistance shall have obtained title or option to the property or easements for the project prior to loan closing;

F. Draft user charge and water use ordinances as described in this rule; and

G. Other information or documentation deemed necessary by the applicant or the department to ensure the proper expenditure of loan funds.

2. Projects serving multiple water systems. Prior to closing, if the project serves two (2) or more public water systems, the applicant shall submit executed agreements or contracts between the public water systems for the financing, construction and operation of the proposed facilities. At a minimum, the agreement or contract shall include:

A. The operation and maintenance responsibilities of each party upon which the costs are allocated;

B. The formula by which the costs are allocated; and

C. The manner in which the costs are allocated.

3. User charge (water rate) ordinance.

A. Loan recipients are required to maintain, for the useful life of the project, user charge ordinances approved by the department. User charge ordinances, at a minimum, shall be adopted prior to financing and implemented by the initiation of operation of the financed project. A copy of the enacted ordinances shall be submitted prior to initiation of operation.

B. The user charge system shall be designed to produce adequate revenues required for the operation and maintenance, including a reserve for equipment replacement. It shall be proportional and based upon actual use. A one hundred ten percent (110%) debt service reserve may be required. Each user charge system shall include an adequate financial management system that will accurately account for revenues generated by the system, debt service and loan fee costs and expenditures for operation and maintenance, including replacement based on an adequate budget identifying the basis for determining the annual operation and maintenance costs and the costs of personnel, material, energy and administration. The user charge system shall provide that the costs of operation and maintenance not directly attributable to users be distributed equally among the users. The system shall provide for an annual review of charges.

4. Additional requirements for privately-owned public water systems. Privately-owned public water systems must provide documentation from the Missouri Department of Economic Development showing an allocation under Missouri's private activity bond cap and must obtain any necessary approvals from the Public Service Commission.

(E) Operation and Maintenance.

1. Plan of operation.

A. If required by the department, the recipient of assistance for construction of public water systems must make provision satisfactory to the department for the development of a plan of operation designed to assure operational efficiency be achieved as quickly as possible. A plan of operation must be submitted by fifty

percent (50%) construction completion and approved by ninety percent (90%) construction completion.

B. The recipient will ensure that the schedule of tasks as outlined in the approved plan of operation is implemented and completed in accordance with the schedules and prior to final inspection of the project. Plan of operations must be approved by the official project start-up date.

2. Operation and maintenance manual. The recipient must make provision satisfactory to the department for assuring effective operation and maintenance of the constructed project throughout its design life. If required by the department, recipients of assistance for construction of mechanical facilities must make provision satisfactory to the department to develop for approval an operation and maintenance manual in accordance with departmental guidelines. A draft operation and maintenance manual must be submitted by fifty percent (50%) construction completion. At ninety percent (90%) construction, the final operation and maintenance manual must be approved.

3. Start-up training. At fifty percent (50%) construction completion, a start-up training proposal (if required) and proposed follow-up services contract must be submitted. This contract must be approved by ninety percent (90%) construction completion.

4. Personnel. The recipient must make provision satisfactory to the department for assuring that operator(s) and maintenance personnel are hired in accordance with an approved schedule.

5. System certification. One (1) year after initiation of operation of the constructed public water system, the recipient shall certify to the department whether or not the public water system meets the project performance standards. Any statement of non-compliance must be accompanied by a corrective action report containing an analysis of the cause of the project's inability to meet performance standards, actions necessary to bring it into compliance and reasonably scheduled date for positive certification of the project. Timely corrective action shall be executed by the recipient.

(F) Accounting and Audits. Applicants are required to have a dedicated source for repayment of any loans and an adequate financial management system and audit procedure for the project which provides efficient and effective accountability and control of all property, funds and assets related to the project. The applicant's financial system is subject to state or federal audits to assure fiscal integrity of public funds.

1. Each recipient is expected to have an adequate accounting system for the project which provides efficient and effective accountability and control of all property, funds and assets.

A. The recipient is responsible for maintaining a financial management system which will adequately provide for an accurate, current and complete disclosure of the financial results of each loan project. Accounting for project funds will be in accordance with generally accepted government accounting principles and practices, consistently applied, regardless of the source of funds.

B. An acceptable accounting system includes books and records showing all financial transactions related to the construction project. The system must document all receipt and disbursement transactions. It also must group them by type of account (for example, asset, revenue, expense, etc.) and by individual expense account (for example, personnel salaries and wages, subcontract costs, etc.). The recipient shall maintain books, records, documents and other evidence and accounting procedures and practices, sufficient to reflect properly the amount, receipt and disposition by the recipient for all assistance received for the project and the total costs of the project of whatever nature incurred for the performance of the project for which the assistance was awarded. Minimum standards for an adequate accounting system include—

(I) The accounting system should be on a double entry basis with a general ledger in which all transactions are recorded in detail or in summary from subordinate accounts;

(II) Recording of transactions pertaining to the construction project should be all inclusive, timely, verifiable and supported by documentation;

(III) The system must disclose the receipt and use of all funds received in support of the project;

(IV) Responsibility for all project funds must be placed with a project manager;

(V) Responsibility for accounting and control must be segregated from project operations. The accounting system and related procedures should be documented for consistent application;

(VI) The accrual basis of accounting is strongly recommended for construction projects as it provides an effective measure of costs and expenditures;

(VII) Inventories of property and equipment should be maintained in subordinate records controlled by the general ledger and should be verified by physical inventory at least biennially;

(VIII) The accounting system must identify all project costs and differentiate between eligible and ineligible costs;

(IX) Accounts should be set up in a way to identify each organizational unit, function or task providing services to the construction project;

(X) An important project management objective of the system is the derivation of information regarding actual versus budgeted costs by project task and performing organization; and

(XI) Financial reports should be prepared monthly to provide project managers with a timely, accurate status of the construction project and costs incurred.

2. Audits. The recipient must comply with the provisions of OMB Circular A-128 governing the audit of state and local government.

(G) Record Retention Requirements.

1. Construction-related activities. At a minimum, the recipient must retain all financial, technical and administrative records related to the planning, design and construction of the project for a minimum period of seven (7) years following receipt of the final construction payment or the recipient's acceptance of construction, whichever is later. Records shall be available to state officials for audit purposes during normal business hours during that period.

2. Post-construction financing activities. At a minimum, the recipient must retain all financial and administrative records related to post-construction project financing for a minimum period of seven (7) years following full repayment of assistance.

(H) Minimum Requirements for Architectural or Engineering Contracts.

1. The subagreement must:

A. Be necessary for and directly related to the accomplishment of the project;

B. Be a lump sum or cost plus fixed fee contract in the form of a bilaterally executed written agreement;

C. Be for monetary consideration;

D. Not be in the nature of a grant or gift;

E. State a time frame for performance;

F. State a cost which cannot be exceeded except by amendment; and

G. State provisions for payment.

2. The nature, scope and extent of work to be performed during construction should include, but not be limited to, the following:

A. Preparing a plan of operation if required by the department that meets the requirements of this rule;

B. Preparing an operation and maintenance manual if required by the department that meets the requirements of this rule;

C. Assisting the recipient in letting bids;

D. Assisting the recipient in reviewing and analyzing construction bids and making recommendations for award;

E. Inspecting during construction to ensure conformance with the construction contract documents unless waived by the department; and

F. Assisting with facility operation for purposes of certifying that the facility is operating properly one (1) year after start-up.

3. The final approved executed engineering contract must be submitted prior to the first reimbursement request.

(I) Procurement of Engineering Services.

1. Contracts for architectural, engineering and land surveying services shall be negotiated on the basis of demonstrated competence, qualifications for the type of services required and at fair and reasonable prices. The procedures and procurement requirements in sections 8.285-8.291, RSMo apply unless the applicant elects to use the design/build option described in this rule.

2. Use of the same architect or engineer during construction. If the recipient is satisfied with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for the project and wishes to retain that firm or individual during construction of the project, the recipient may do so without further public notice and evaluation of qualifications, provided the recipient selected the firm using, at a minimum, the procedures in sections 8.285-8.291, RSMo.

(J) Specifications. The construction specifications must contain the following:

1. Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product or service to be procured. The description, in competitive procurement, shall not contain features which unduly restrict competition unless the features are necessary to test or demonstrate a specific thing or to provide for interchangeability of parts and equipment. The description shall include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;

2. The recipient shall avoid the use of detailed product specifications if at all possible;

3. When in the judgment of the recipient it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a brand name or equal description as a means to define the performance or other salient requirements of a procurement. The recipient need not establish the existence of any source other than the named brand. Recipients must state clearly in the specification the salient requirements of the named brand which must be met by offerers;

4. Sole source restriction. A specification shall not require the use of structures, materials, equipment or processes which are known to be available only from a sole source, unless the department determines that the recipient's engineer has adequately justified in writing to the department that the proposed use meets the particular project's minimum needs;

5. Experience clause restriction. The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the recipient's engineer adequately justifies any such requirement in writing. Where this justification has been made, submission of a bond or deposit shall be permitted instead of a specified experience period. The period of time for which the bond or deposit is required shall not exceed the experience period specified;

6. Domestic products procurement law. In accordance with sections 34.350-34.359, RSMo, the bid documents shall require all manufactured goods or commodities used or supplied in the performance of any contract or subcontract awarded on a loan project to be manufactured, assembled or produced in the United States, unless obtaining American-made products would increase the cost of the contract by more than ten percent (10%) and in accordance with section 71.140, RSMo, preference shall be given to Missouri products;

7. Bonding. On construction contracts exceeding one hundred thousand dollars (\$100,000), the bid documents shall require each bidder to furnish a bid guarantee equivalent to five percent (5%) of the bid price. In addition, the bid documents must require the successful bidder to furnish performance and payment bonds, each

of which shall be in an amount not less than one hundred percent (100%) of the contract price;

8. State wage determination. The bid documents shall contain the current prevailing wage determination issued by the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, if otherwise required by law;

9. Right of entry to the project site shall be provided for representatives of the department and the Environmental Improvement and Energy Resources Authority so they may have access to the work wherever it is in preparation or progress; and

10. The specifications must include the following statement: "The owner shall make payment to the contractor in accordance with section 34.057, RSMo."

(K) Construction Equipment and Supplies Procurement. This section describes the minimum procurement requirements which the recipient must use unless the applicant elects to use the design/build option described in subsection (8)(L) of this rule.

1. Small purchases. A small purchase is the procurement of materials, supplies and services when the aggregate amount involved in any one (1) transaction does not exceed twenty-five thousand dollars (\$25,000). The small purchase limitation of twenty-five thousand dollars (\$25,000) applies to the aggregate total of an order, including all estimated handling and freight charges, overhead and profit to be paid under the order. In arriving at the aggregate amount involved in any one (1) transaction, all items which should properly be grouped together must be included. Department approval and a minimum of three (3) quotes must be obtained prior to purchase.

2. Bidding requirements. This paragraph applies to procurement of construction equipment, supplies and construction services in excess of twenty-five thousand dollars (\$25,000) awarded by the recipient. No contract shall be awarded until the department has approved the formal advertising and bidding.

A. Formal advertising.

(I) Adequate public notice. The recipient will cause adequate notice to be given of the solicitation by publication in newspapers of general circulation beyond the recipient's locality (preferable statewide), construction trade journals or plan rooms, inviting bids on the project work and stating the method by which bidding documents may be obtained or examined.

(II) Adequate time for preparing bids. A minimum of thirty (30) days shall be allowed between the date when public notice, publication, insertion or document availability in a plan room is first published and the date by which bids must be submitted. Bidding documents shall be available to prospective bidders from the date when the notice is first published or provided.

B. Bid document requirements and procedure.

(I) The recipient shall prepare a reasonable number of bidding documents (Invitations for Bids) and shall furnish them upon request on a first-come, first-served basis. The recipient shall maintain a complete set of bidding documents and shall make them available for inspection and copying by any party. The bidding documents shall include, at a minimum:

(a) A completed statement of the work to be performed or equipment to be supplied and the required completion schedule;

(b) The terms and conditions of the contract to be awarded;

(c) A clear explanation of the method of bidding and the method of evaluation of bid prices and the basis and method for award of the contract or rejection of all bids;

(d) Responsibility requirements and criteria which will be employed in evaluating bidders;

(e) The recipient shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening;

(f) If a recipient desires to amend any part of the bidding documents during the period when bids are being prepared, addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered before the bid opening time. All addenda must be approved by the department prior to award of the contract;

(g) A firm which has submitted a bid shall be allowed to modify or withdraw its bid before the time of bid opening;

(h) The recipient shall provide for a public opening of bids at the place, date and time announced in the bidding documents. Bids received after the announced opening time shall be returned unopened;

(i) Award shall be to the lowest, responsive, responsible bidder. After bids are opened, the recipient shall evaluate them in accordance with the methods and criteria set forth in the bidding documents. The recipient shall award contracts only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed contract. A responsible contractor is one that has financial resources, technical qualifications, experience, organization and facilities adequate to carry out the contract or a demonstrated ability to obtain these. The recipient may reserve the right to reject all bids. Unless all bids are rejected for good cause, award shall be made to the lowest, responsive, responsible bidder. The recipient shall have established protest provisions in the specifications. These provisions shall not include the department as a participant in the protest procedures. If the recipient intends to make the award to a firm which did not submit the lowest bid, the recipient shall prepare a written statement before any award, explaining why each lower bidder was deemed nonresponsive or nonresponsive and shall retain the statements in its files. The recipient shall not reject a bid as nonresponsive for failure to list or otherwise indicate the selection of subcontractor(s) or equipment unless the recipient has clearly stated in the solicitation documents that the failure to list shall render a bid nonresponsive and shall cause rejection of a bid; and

(j) Departmental concurrence with contract award must be obtained prior to actual contract award. Recipients shall notify the department in writing of each proposed construction contract which has an aggregate value over twenty-five thousand dollars (\$25,000). The recipient shall notify the department within ten (10) calendar days after the bid opening for each construction subagreement. The notice shall include:

I. Proof of advertising;

II. Tabulation of bids;

III. The bid proposal from the bidder that the recipient wishes to accept, including justification if the recommended successful bidder is not also the lowest bidder;

IV. Recommendation of award;

V. Any addenda not submitted previously and bidder acknowledgment of all addenda;

VI. Copy of the bid bond;

VII. One (1) set of as-bid specifications;

VIII. Revised financial capability worksheet and certification if bids exceed prebid estimates by more than fifteen percent (15%); and

IX. Site certification, if not previously submitted.

(L) Design/Build Projects. Applicants may elect to use the design/build method of procuring design and construction services in lieu of the procurement methods described in subsection (8)(K) of this rule.

1. Additional application requirements. The applicant must provide the department with:

A. A legal opinion of the applicant's counsel stating that the design/build procurement method is not in violation of any state or local statutes, charters, ordinances or rules pertaining to the applicant; and

B. A bid package that is sufficiently detailed to ensure that the bids received for the design/build work are complete, accurate, comparable and will result in the most cost-effective operable facility which meets the design requirements of the department. The "Design Guide for Community Water Systems" or the "Ten State Standards" shall be considered for design standards. The pre-bid package shall contain, at a minimum, the clauses in paragraphs (8)(J)6.-8. of this rule, if applicable.

2. Bidding procedures. Bidding shall be conducted in accordance with the procedures described in paragraph (8)(K)2. of this rule.

3. Contract type. Design/build contracts shall be lump sum contracts for the cost associated with design and construction. No increases to contract price for design and construction services shall be permitted. Recipients are encouraged to incorporate facility operations into the contract. When included in the contract, the cost of operations for an established time period may be included in the criteria for evaluating bids and selecting the lowest, responsible, responsive bidder.

4. Review and oversight. The recipient shall procure engineering services to oversee the design work performed by the design/build contractor and to provide resident inspection of construction. The department may require the recipient to submit plans, specifications and documentation during design and construction as necessary to ensure that the facility meets state standards for design and construction.

5. Department approvals and permits. Prior to construction start, the recipient must obtain approval of the construction plans and specifications and obtain a construction permit from the department.

(M) Conflict of Interest.

1. No employee, officer or agent of the recipient shall participate in the selection, award or administration of a subagreement supported by state or federal funds if a conflict of interest, real or apparent, would be involved. This conflict would arise when—

A. Any employee, officer or agent of the recipient, any member of their immediate families or their partners have a financial or other interest in the firm selected for a contract; or

B. An organization which may receive or has been awarded a subagreement employs, or is about to employ, any employee, officer or agent of the recipient, any member of their immediate families or their partners.

2. The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of substantial monetary value from contractors, potential contractors or other parties to subagreements.

(N) Changes in Contract Price or Time. The contract price or time may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the methods set forth in the following:

1. Unit prices.

A. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities exceed fifteen percent (15%) of the original bid quantity and the total dollar change of that bid item is greater than twenty-five thousand dollars (\$25,000), the recipient shall review the unit price to determine if a new unit price should be negotiated.

B. Unit prices of new items shall be negotiated;

2. A lump sum to be negotiated; and

3. Cost reimbursement. The actual cost for labor, direct overhead, materials, supplies, equipment and other services necessary to complete the work plus an amount to cover the cost of general overhead and profit.

(O) Progress Payments to Contractors.

1. Recipients should make prompt progress payments to prime contractors and prime contractors should make prompt progress payments to subcontractors and suppliers for eligible construction, supplies and equipment costs.

A. For purposes of this section, progress payments are defined as follows:

(I) Payments for work in place; and

(II) Payments for materials or equipment which have been delivered to the construction site or which are stockpiled in the vicinity of the construction site in accordance with the terms of the contract, when conditional or final acceptance is made by or for the recipient. The recipient shall assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures.

2. Appropriate provisions regarding progress payments must be included in each contract and subcontract.

3. Retention from progress payments. The recipient may retain a portion of the amount otherwise due the contractor. The amount the recipient retains shall be in accordance with section 34.057, RSMo.

(P) Classification of Costs.

1. Eligible project costs. Loans shall not exceed the total eligible project costs described in this subsection (8)(P) less any amounts financed by any means other than through the direct loan program. All project costs will be eligible if they are reasonable and cost effective and are necessary for the approved project, including required mitigation. Eligible costs include, at a minimum:

A. Engineering services and other services incurred in planning and in preparing the design drawings and specifications for the project. These services and their related expenses can be reimbursed based on actual invoices to be submitted after loan closing or by means of an allowance. For invoice reimbursement, the department must have a copy of the executed engineering contract for planning and design of the project. Allowance reimbursement for these services will be based on a percentage of the total eligible construction contract amounts at bid opening as determined from Table 1 or 2 (as applicable) plus land, equipment, materials and supplies identified or referenced in the approved engineering report. For phased or segmented projects, incremental allowance calculations and corresponding reimbursements may be made;

B. The reasonable cost of engineering services incurred during the building and initial operation phase of the project to ensure that it is built in conformance with the design drawings and specifications. A registered professional engineer licensed in Missouri or a person under the direction and continuing supervision of a registered professional engineer licensed in Missouri must provide inspection of construction for the purpose of assuring and certifying compliance with the approved plans and specifications. Eligible construction phase and initial operation phase service are limited to—

- (I) Office engineering;
- (II) Construction surveillance;
- (III) Stakeout surveying;
- (IV) As-built drawings;
- (V) Special soils/materials testing;
- (VI) Operation and maintenance manual;
- (VII) Follow-up services and the cost of start-up training

for operators of mechanical facilities constructed by the project to the extent that these costs are incurred prior to this department's final inspection. Costs shall be limited to on-site operator training tailored to the facilities constructed or on- or off-site training may be provided by the equipment manufacturer if this training is properly procured;

- (VIII) User charge ordinance; and
- (IX) Plan of operation;

C. Abandoning costs. The reasonable and necessary cost of abandoning drinking water facilities no longer in use. Generally, these costs will be limited to the demolition and disposal of the structures, and abandoning unused wells owned by the recipient in accordance with 10 CSR 23-3.110, and final grading and seeding of the site;

D. Change orders and the costs of meritorious contractor claims for increased costs under subagreements as follows:

- (I) Within the allowable scope of the project;
- (II) Costs of equitable adjustments due to differing site conditions;

(III) Settlements, arbitration awards and court judgments which resolve contractor claims shall be allowable only to the extent that they are not due to the mismanagement of the recipient;

E. Costs necessary to mitigate only direct, adverse, physical impacts resulting from building of the water works;

F. The costs of site screening necessary to comply with environmental studies and facilities plans or necessary to screen adjacent properties;

G. Equipment, materials and supplies.

(I) The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items necessary to conduct tests required for plant operation.

(II) Cost of shop equipment installed at the public water system necessary to the operation of the works.

(III) The costs of necessary safety equipment, provided the equipment meets applicable federal, state, local or industry safety requirements.

(IV) The costs of mobile equipment necessary for the operation of the overall public water system, or for the maintenance of equipment. These items include: portable standby generators; large portable emergency pumps; trailers and other vehicles having as their purpose the transportation or application, or both, of liquid or dewatered water treatment plant residuals; and replacement parts identified and approved in advance;

H. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the department;

I. Land, easements or rights of way when the acquisition of real property or interests therein is integral to the project and the purchase is from a willing seller. Eligibility shall be limited to fair market value;

J. Force account work for construction oversight and engineering planning and design. If force account is used for planning and design, all engineering services during construction must be provided through force account;

K. The cost of preparing an environmental impact statement if required under 10 CSR 60-13.030;

L. Costs of issuance, capitalized interest, EIARA application fees, and contracted project administration costs; and

M. Debt service reserve deposits.

3. Noneligible costs include, but are not limited to:

A. The cost of ordinary site and building maintenance equipment such as lawnmowers and snowblowers;

B. The cost of general purpose vehicles for the transportation of the recipient's employees;

C. Costs allowable in subparagraph (8)(P)2.I. of this rule that are in excess of just compensation based on the appraised value;

D. Ordinary operating expenses of the recipient including salaries and expenses of elected and appointed officials and preparation of routine financial reports and studies, and any permit fees necessary for the normal operation of the constructed facility;

E. Preparation of applications and permits required by federal, state or local regulations or procedures;

F. Administrative, engineering and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts or other units of government;

G. Personal injury compensation or damages arising out of the project;

H. Fines and penalties due to violations of, or failure to comply with, federal, state or local laws, regulations or procedures;

I. Costs outside the scope of the approved project;

J. Costs for which grant or loan payment have been or will be received from another state or federal agency;

K. Force account work except that listed in subparagraph (8)(P)2.J. of this rule; and

L. Costs associated with acquisition of easements and land except that listed in subparagraph (8)(P)2.I.

**Table 1—Maximum Eligible Amount for Facilities
Planning and Design**

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	14.49
120,000	14.11
150,000	13.66
175,000	13.36
200,000	13.10
250,000	12.68
300,000	12.35
350,000	12.08
400,000	11.84
500,000	11.46
600,000	11.16
700,000	10.92
800,000	10.71
900,000	10.52
1,000,000	10.36
1,200,000	10.09
1,500,000	9.77
1,750,000	9.55
2,000,000	9.37
2,500,000	9.07
3,000,000	8.83
3,500,000	8.63
4,000,000	8.47
5,000,000	8.20
6,000,000	7.98
7,000,000	7.81
8,000,000	7.66
9,000,000	7.52
10,000,000	7.41
12,000,000	7.22
15,000,000	6.99
17,500,000	6.83
20,000,000	6.70
25,000,000	6.48
30,000,000	6.31
35,000,000	6.17
40,000,000	6.06
50,000,000	5.86
60,000,000	5.71
70,000,000	5.58
80,000,000	5.47
90,000,000	5.38
100,000,000	5.30
120,000,000	5.16
150,000,000	4.99
175,000,000	4.88
200,000,000	4.79

Table 2—Maximum Eligible Amount—Design Only

Construction Cost	Allowance as a Percentage of Construction Cost*
\$ 100,000 or less	8.57
120,000	8.38
150,000	8.16
175,000	8.01
200,000	7.88
250,000	7.67
300,000	7.50
350,000	7.36
400,000	7.24
500,000	7.05
600,000	6.89
700,000	6.77
800,000	6.66
900,000	6.56
1,000,000	6.43
1,200,000	6.34
1,500,000	6.17
1,750,000	6.05
2,000,000	5.96
2,500,000	5.80
3,000,000	5.67
3,500,000	5.57
4,000,000	5.48
5,000,000	5.33
6,000,000	5.21
7,000,000	5.12
8,000,000	5.04
9,000,000	4.96
10,000,000	4.90
12,000,000	4.79
15,000,000	4.67
17,500,000	4.58
20,000,000	4.51
25,000,000	4.39
30,000,000	4.29
35,000,000	4.21
40,000,000	4.14
50,000,000	4.03
60,000,000	3.94
70,000,000	3.87
80,000,000	3.81
90,000,000	3.75
100,000,000	3.71
120,000,000	3.63
150,000,000	3.53
175,000,000	3.46
200,000,000	3.41

* Interpolate between values

Note: These tables shall not be used to determine the compensation for facilities planning or design services. The compensation for facilities planning or design services should be based upon the nature, scope and complexity of the services required by the community.

(Q) Trustee or Paying Agent. The department may require the recipient to contract with a trustee or paying agent to provide all or part of the following services:

1. Make joint assistance payments to the recipient and their contractors;
2. Ensure that payments are only released to those recipients whose contractors have a project contract approved by the department;
3. Ensure that none of the recipient's contractors receive more in assistance payments than approved by the department; and
4. Maintain financial records of credits and debits for the construction project.

(9) Construction Loans.

(A) The department may award construction loans to qualified applicants in order to provide interim financing during construction of their project. Construction loans will contain clauses and provisions determined by the department to be necessary to protect the interests of the state.

(B) With exception of substate revolving funds and projects receiving financing through the leveraged loan program, the construction loan will remain in force throughout the construction period. However, it must be paid in full in accordance with the closing deadline provided in the construction loan agreement.

(C) If the department is to provide long-term financing under this rule, then the construction loan must contain an agreement by the department and the recipient that the department will purchase the recipient's general obligation, revenue bonds or other acceptable debt obligation after construction is completed. If a construction loan is awarded, the permanent financing amount will be limited in amount to the sum of the payments drawn from the construction loan for eligible project costs plus interest accrued on the construction loan plus the reasonable costs of issuance which can be financed under Missouri statutes.

(D) Unless specifically addressed in the loan documents, the recipient may request construction loan payments no more often than monthly. The maximum construction advance shall be the sum of all eligible costs incurred to date. Each payment shall include the information listed here and any other information deemed necessary by the department to ensure proper project management and expenditure of public funds:

1. Completed reimbursement request form;
2. Construction pay estimates signed by the construction contractor, the recipient and the resident inspector, if applicable; and
3. Invoices for other eligible services, equipment and supplies for the project.

(E) If the department is satisfied that the payment request accurately reflects the eligible cost incurred to date on the project, the department will request that a state payment check be issued to the recipient.

(F) The department shall purchase revenue bonds, general obligation bonds or other acceptable debt obligations from the loan recipient by the closing deadline contained in the construction loan agreement.

(10) Project Bypass, Project Removal and Modification of Funding. This section applies to loan applicants on a fundable priority list. In order to assure best use of the loan funds in a reasonably expeditious manner, projects may be bypassed or removed from a fundable priority list or loan amounts may be modified. The department will confer and negotiate with affected applicants prior to making or recommending decisions on project bypass, project removal or modification of loan amounts.

(A) Project Bypass.

1. Eligibility for bypass. A project may be bypassed if the project is not, in the opinion of the department, making satisfactory progress toward satisfying requirements for assistance.
2. Bypass criteria.

A. Any project on the fundable priority list may be bypassed if the applicant fails to submit the documents required for assistance at least sixty (60) days prior to the beginning of the quarter for which the assistance is anticipated.

B. Individual schedules developed by the department may be used to determine whether a project is making satisfactory progress during the fiscal year. A project may be bypassed for failure to meet the schedule.

3. Bypass procedures.

A. Bypassed projects will be removed from the fundable priority list and, if the application is still valid, will be placed on a project list, in priority order, for funding consideration in the next fiscal year.

B. Funds recovered through project bypass will be considered uncommitted and available for distribution to the next priority project.

(B) Project Removal. Projects may be removed from the fundable priority list at the request of the applicant, upon a finding by the department that the project is ineligible for direct loan assistance, upon a finding that the applicant's credit is not adequate for participation in the direct loan program, or if, after the second intended use plan cycle, the applicant has not closed on the loan. If an applicant is removed, it may reapply only after it has secured its debt issuance authorization.

(C) Modification of Funding. In order to maximize use of the aggregate funds available to the state for drinking water infrastructure improvements, the commission may remove projects or modify funding amounts upon a finding by the department that the applicant is eligible for funding from other government programs (such as USDA Rural Development, the Department of Economic Development's Community Development Block Grant Program, or the Environmental Improvement and Energy Resources Authority) or when deemed necessary by the department based on bids received. The department will coordinate with the other funding agencies to arrive at equitable and workable funding options for the applicant. The department reserves the right to limit the maximum loan amount awarded.

AUTHORITY: sections 640.100 and 640.140, RSMo 2000. Original rule filed Jan. 19, 2001.

PUBLIC COST: The Missouri Department of Natural Resources anticipates implementing this loan program in conjunction with the loan programs established under 10 CSR 60-13.020, using existing staff. All potential costs to public water systems are discretionary, since they are not required to apply for a loan. It is assumed that approximately 20 community water systems and 10 public water supply districts may apply annually for a loan under this rule at an annualized cost of about \$7,500.

PRIVATE COST: This rule is anticipated to cost private entities less than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: An information meeting and public hearing will be held at 11:00 a.m., April 10, 2001, at the Public Drinking Water Program, 101 Adams Street, Jefferson City, Missouri. In preparing your comments, please include the regulatory citation and the Missouri Register page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language.

Written comments must be postmarked or received by April 17, 2001. Comments may be mailed or faxed to: Linda McCarty, Public Drinking Water Program, PO Box 176, Jefferson City, MO 65102. The fax number is (573) 751-3110.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10 Department of Natural Resources
 Division: 60 Public Drinking Water Program
 Chapter: 13 Grants and Loans
 Type of Rulemaking: Proposed Rule
 Rule Number and Name: 10 CSR 60-13.025 State Loan Program

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate Shown as an Annualized Cost ²
Community Water Systems ³	\$5,000
Public Water Supply Districts ⁴	\$2,500
AGGREGATE ANNUALIZED COST	\$7,500

¹The cost for the first full fiscal year of implementation is listed separately in order to perform the analysis required by section 536.200, RSMo.

²Because the rule is anticipated to be in effect in perpetuity, the cost of compliance in the aggregate for the lifetime of the rule cannot be accurately estimated. The total annualized aggregate cost is expected to remain constant for the duration of the rule, except that the estimated cost does not take into account inflationary factors beyond 2001.

^{3,4}This rule implements the loan program allowed under section 640.615, RSMo for community water systems located in rural areas and public water supply districts. No water systems are required to participate in the loan program. All costs to water systems are discretionary.

III. WORKSHEET

20 community water systems x 10 hours x \$25/hour = \$5000
 10 public water supply districts x 10 hours x \$25/hour = \$2500

IV. ASSUMPTIONS

1. Based on experience with existing loan programs, approximately 20 applications annually from community water systems and 10 from public water supply districts are assumed. The estimated proportion of community water systems and public water supply district.
2. It is assumed that loan recipients' expenditures will be included in their loan application and recovered through increased local water rates, except for loan application costs. An average of ten hours per application, at an average salary and benefits of \$25 per hour, is assumed.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

PROPOSED RULE

12 CSR 10-103.370 Manufactured Homes

PURPOSE: Sections 144.044 and 700.010, RSMo create a partial tax exemption for new manufactured homes and an exclusion for qualifying used manufactured homes. This rule interprets the tax law as it applies to the sale of manufactured homes. This rule also identifies charges included as part of the retail sale price of the manufactured home.

(1) In general, the retail sale of a new manufactured home is considered to be a sale of sixty percent (60%) tangible personal property and forty percent (40%) service. The sixty percent (60%) portion of the sale price is subject to tax. The sale of a used manufactured home upon which Missouri tax has already been paid is not subject to tax. The sale of a used manufactured home on which Missouri tax has not already been paid is subject to tax on one hundred percent (100%) of the sale price.

(2) Definition of Terms.

(A) Dealer—any person, other than a manufacturer, who sells or offers for sale four (4) or more manufactured homes, recreational vehicles or modular units in any twelve (12)-month period.

(B) Manufactured home—a factory built structure designed as a dwelling unit with or without permanent foundation, equipped with the necessary service connections and made to be readily moveable on its own running gear. A modular unit is not a manufactured home and is subject to the same tax rules that apply to a building constructed by a contractor.

(C) Setup—the services performed and the materials used to perform the service for the purchaser at the occupancy site including but not limited to, moving, blocking, leveling, anchoring, supporting and assembling multiple or expandable units.

(3) Basic Application of Tax.

(A) Dealers selling new manufactured homes must collect and remit tax on sixty percent (60%) of the gross receipts from these sales. The dealer must provide the buyer of a new manufactured home a signed receipt confirming that tax has been paid.

(B) The owner of a new manufactured home must produce a signed receipt for the tax on the purchase price of the new manufactured home when applying for title. If the owner fails to present a signed receipt, the owner must remit the tax due on the new manufactured home prior to title being issued.

(C) The sale of a used manufactured home upon which Missouri tax has already been paid is not subject to Missouri tax. The sale of a used manufactured home upon which Missouri tax has not been previously paid is subject to tax on one hundred percent (100%) of the purchase price unless the used manufactured home meets the requirements of section 700.111, RSMo.

(D) The transfer of the ownership of or title to a manufactured home involving the assumption of the obligation to pay for the home is considered a sale at retail of the manufactured home subject to tax unless Missouri tax has been previously paid.

(E) The new manufactured home dealer is responsible for collecting tax on sixty percent (60%) of the retail sale price. The retail sale price includes additional tangible personal property installed by the manufacturer and the installed price of the following items of tangible personal property if installed by the dealer:

1. Central air conditioning;
2. Dishwasher;
3. Range or cook top;
4. Oven;

5. Microwave oven;
6. Refrigerator;
7. Washer and dryer;
8. Skirting;
9. Anchors and other stabilizing devices;
10. Blocks;
11. Shims;
12. Steps;
13. Gutters;
14. Decks;
15. Awnings; and

16. Plumbing and electrical parts and supplies necessary for installation and hookup of plumbing and electrical apparatus. Any other tangible personal property added by a dealer should be separately stated and taxed at one hundred percent (100%) of the sale price.

(F) A dealer may elect to separately state charges for delivery, setup and installation. These charges would not be subject to tax because the dealer is performing a service. The dealer should pay tax, at the time of purchase, on any materials used in performing these services. Setup and installation can include but are not limited to adding a deck to the home or pouring concrete slabs as a foundation for the home.

(G) The dealer should pay tax, at the time of purchase, on items that are attached to a used manufactured home on which Missouri tax was previously paid. The dealer should purchase items attached to a used manufactured home on which Missouri sales tax has not been paid under a sale for resale exclusion.

(4) Examples.

(A) A customer purchases a new manufactured home from a dealer for \$40,000, including delivery, setup and installation. The manufacturer includes an installed stove, refrigerator, and washer/dryer. The cost of delivery, setup and installation is \$5,000. If the dealer includes delivery, setup and installation in the retail sales price, tax is due on 60% of \$40,000. If the dealer separately states delivery, setup and installation charges from the retail sales price, tax is due on 60% of \$35,000. If the dealer separately states these charges, the dealer should pay tax on its purchase of any materials used for the delivery, setup and installation of the manufactured home. The customer should retain his paid receipt to verify tax paid when making application for license/title/registration of the manufactured home.

(B) A dealer took a manufactured home in trade from a customer. The original owner paid Missouri tax. The dealer sells the used manufactured home. No tax is due on the used manufactured home because tax was paid on the original purchase of the home.

(C) A dealer sold a new manufactured home including a stove and refrigerator added by the dealer. As an incentive, the dealer included a personal computer. The computer should be separately stated from the manufactured home sale price and taxed at 100%. The installed price of the stove and refrigerator can be included in the manufactured home sale price and tax is due on 60% of that price. The dealer may issue a resale exemption certificate when purchasing these items.

(D) A dealer hires a contractor to add patios and garages to the site for customers who purchase new manufactured homes. These charges can be separately stated from the manufactured home sale price without being taxed. The contractor should pay tax on any supplies used to build the patios and garages because the contractor is the final user and consumer of these supplies.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed Jan. 24, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105-0629. To be considered, comments must be received within thirty days after the publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions**

PROPOSED RULE

12 CSR 10-110.300 Common Carriers

PURPOSE: Sections 144.030.2(3), (10), (11), (20) and (30), RSMo, exempt from taxation certain materials, parts and equipment used by common carriers. This rule explains what qualifies for the exemptions.

(1) In general, materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax. Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers are not subject to tax. Railroad rolling stock used in transporting persons or property in interstate commerce is not subject to tax. Motor vehicles licensed for a gross weight of twenty-four thousand (24,000) pounds or trailers used by common carriers solely in the transportation of persons or property in interstate commerce are not subject to tax.

(2) Definition of Terms.

(A) Common carrier—any person that holds itself out to the public as engaging in the transportation of passengers or property for hire. A common carrier is required by law to transport passengers or property for others without refusal if the fare or charge is paid. To qualify as a common carrier, a carrier must be registered as a common carrier with all agencies that require such registration, such as the United States Department of Transportation.

(B) Contract carrier—any person under individual contracts or agreements that engages in transportation of passengers or property for hire or compensation. A contract carrier is a carrier that meets the special needs of certain customers to transport its passengers or property.

(C) Directly upon—used in a direct manner without anything intervening and with a certain degree of physical immediacy.

(D) Motor vehicle—any vehicle, truck, truck-tractor, motor bus, or any self-propelled vehicle and trailers or semi-trailers used upon the highways of the state in transportation of property or passengers.

(E) Private carrier—any person engaged in the transportation of passengers or its property, but not as a common carrier or a contract carrier.

(F) Watercraft—any boat or craft, including a vessel, used or capable of being used as a means of transport on waters.

(3) Basic Application of Exemption.

(A) Railroad Rolling Stock. Sales of railroad rolling stock are exempt provided that it is used in transporting persons or property in interstate commerce. The sale of flanged wheel equipment used to repair and maintain the railroad track used in interstate

commerce is also exempt. Railroad rolling stock for use solely in intrastate commerce is not exempt.

(B) Aircraft. Sales of aircraft to common carriers for storage or for use in interstate commerce are not subject to sales tax.

(C) Pipeline Pumping Equipment. Sales of machinery and equipment used to propel products by pipelines engaged as common carriers are exempt. The exemption does not apply to contract carriers or to private carriers. All other machinery and equipment such as pipelines, connecting lines, communication equipment, monitoring equipment, accessory equipment, such as fuel tanks to provide fuel for pumping engines, and manifolds used to connect pumping equipment to the main lines are subject to tax.

(D) Power Take-Off Units. Equipment on motor vehicles used by common carriers which is exempt from tax includes power take-off (PTO) units which are attached to the transmission of the power unit of the vehicle and all materials and replacement parts for the power take-off units.

(E) Materials. Materials and replacement parts for motor vehicles, watercraft, railroad rolling stock or aircraft which are used by common carriers and which qualify for the exemption from tax include, but are not limited to, grease, motor oil, antifreeze, fuel additives, cleaners, paint for body work and radio repair parts purchased for use on the vehicle.

(F) Barges. The purchase of barges used primarily in the transportation of property or cargo on interstate waterways is exempt from tax.

(G) Tools. Tools purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property are not subject to tax.

(4) Examples.

(A) A manufacturer registered as a common carrier maintains a fleet of trucks to transport finished products to various distribution centers throughout the United States. The manufacturer advertises that it will transport goods belonging to others on return trips from the distribution centers and advertises that service. The purchase of the manufacturer's fleet of trucks and repair parts for the fleet are not taxable.

(B) A manufacturer maintains a fleet of trucks to transport finished products to various distribution centers throughout the United States. The manufacturer also negotiates with other companies to transport goods on return trips from the distribution centers. The purchase of the manufacturer's fleet of trucks and repair parts for the fleet are taxable because the manufacturer is not a common carrier.

(C) A common carrier purchases a cab and chassis. The cab and chassis will be used only in intrastate commerce as a common carrier. The purchase of the cab and chassis is taxable. The common carrier subsequently purchases a dump bed to add to the cab and chassis. The dump bed is exempt from tax because it is materials or equipment used in the manufacture of a motor vehicle to be used by a common carrier.

(D) The sale of a switch engine to be used to move railroad cars around a switching yard, if part of an interstate rail system, is not subject to tax.

(E) An airline purchases equipment to test engine parts that have been removed from the plane and brought to their repair facility. The equipment purchased would be exempt from tax.

(F) The owner of a Missouri furniture store is registered as a common carrier, but does not hold itself out to the general public as a common carrier. It uses its truck only to deliver furniture sold to customers residing in and outside Missouri. The owner installs new brakes on the truck. Even though the owner is registered as a common carrier, the brakes are taxable because the furniture store is operating as a private carrier.

(G) A charter company only provides bus transportation by contract for private groups for tours of the Southeastern United States.

The charter company purchases new tires. The tires are taxable because the business is a contract carrier.

(H) A railroad purchases a flanged wheel mechanized tie replacement machine for repairing broken rail segments on an interstate system. The purchase of the machine is exempt.

AUTHORITY: section 144.270, RSMo 2000. Original rule filed Jan. 24, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.054 Warehousemen is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2722). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.058 Automotive Refinishers and Painters is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2722). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.062 Maintenance or Service Contracts Without Parts is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2722-2723). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.064 Maintenance or Service Contracts With Parts is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2723). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.070 Service-Oriented Industries is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000

(25 MoReg 2723). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.072 Repair Industries is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2723). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.074 Garages, Body and Automotive Shops and
Service Stations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2723-2724). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.078 Laundries and Dry Cleaners is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2724). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.080 Ceramic Shops is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2724). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-3.082 Furniture Repairers and Upholsterers is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2724). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.084 Fur and Garment Repairers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2724). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.090 Watch and Jewelry Repairers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2725). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.152 Physicians and Dentists is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2725). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.154 Optometrists, Ophthalmologists and Opticians is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2725). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.156 Dental Laboratories is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2725). No changes have been made in the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.162 Pawnbrokers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2726). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.186 Water Haulers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2726). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.471 Type of Bond is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2726). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-3.840 Photographers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2726). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.705, RSMo 2000, the director rescinds a rule as follows:

**12 CSR 10-4.634 Delivery, Freight and Transportation
Charges—Use Tax is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2726-2727). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-5.010 Layaways is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2727). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.130 and 302.132, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.402 Department of Revenue Instruction Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2727-2728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 4—Postcard Voter Application and Forms**

ORDER OF RULEMAKING

By the authority vested in the Missouri Secretary of State under sections 115.155.5, and 115.159, RSMo 2000, the secretary amends a rule as follows:

15 CSR 30-4.010 Postcard Voter Application and Forms is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2535-2538). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this amendment.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 45—Records Management**

ORDER OF RULEMAKING

By the authority vested in the Missouri Secretary of State under section 109.221.3 and 109.221.5, RSMo 2000, the secretary adopts a rule as follows:

15 CSR 30-45.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2728-2732). No changes have been made in the text of the proposed rule, however changes were made to the Public Entity Fiscal Note. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however, the following change more accurately reflects the public entity cost as appropriated by the state legislature.

**15 CSR 30-45.040 Missouri Historical Records Advisory Board
(MHRAB) Regrant Program Administration**

REVISED FISCAL NOTE PUBLIC ENTITY COST

I. Rule Number

Title: 15
Division: 30
Chapter: 45

Type of Rulemaking: Proposed Rule

Rule Number and Name: 15 CSR 30-45.040 Missouri Historical Records
Advisory Board Regrant Program

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision:
Missouri State Archives, a Division of the Office of Secretary of State

Estimated Cost of Compliance in the Aggregate

\$444,525 for the life of the rule (01/01/01 through 06/30/03)

III. Worksheet

Salaries and Wages	115,903
Fringe Benefits	35,641
Consultant Fees	73,000
Travel	14,868
Supplies and Materials	7,705
Services	13,310
Regrant Funds	184,098

The Missouri General Assembly appropriated \$300,000 in support of this program during the 1999-2000 legislative session. The Public Entity Cost Fiscal Note filed October 6, 2000 defined the appropriation as \$150,000.

The remaining \$144,525 is a redirection of previously appropriated operating funds and cost shared contributions. The Missouri State Archives, on behalf of the Missouri Historical Records Advisory Board, received \$300,000 in matching funds from the National Historical Publications and Records Commission for the support of this program to preserve and make accessible Missouri's historic records, and to promote archival education and cooperation among records keepers.

A state agency's cost to develop and submit an application to the program should not exceed \$100. The MHRAB does not expect to receive a significant number of state agency applications, as most often the state would seek in excess of \$25,000, the maximum award in this program. At this level of assistance, state agencies would most likely pursue an NHPRC award.

**Title 19—DEPARTMENT OF HEALTH
Division 10—Office of the Director
Chapter 5—Procedures for the Collection and
Submission of Data to Monitor Health Maintenance
Organizations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health under section 192.068, RSMo 2000, the department hereby amends a rule as follows:

19 CSR 10-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 16, 2000 (25 MoReg 2554-2567). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received from the Division of Medical Services and the Missouri Association of Health Plans (MAHP).

COMMENT: Comments were received from the Division of Medical Services indicating that they are working with the Medicaid (MC+) managed care plans to begin reporting the results of their member satisfaction survey results to the Department of Health through NCQA-certified survey vendors. The changes will be effective December 1, 2000 for contracts with health plans in the Eastern region and March 1, 2001 for contracts with plans in the Central region. The requirement will be added to contracts with plans in the Western region in 2002.

RESPONSE: The language of the proposed amendment has been crafted to accommodate the phase-in of the member satisfaction survey reporting requirements for the MC+ health plans, consistent with their contract renewal cycle with the Division of Medical Services. Therefore, no change to the rule is necessary.

COMMENT: Comments were received from the Missouri Association of Health Plans (MAHP) recommending deletion of Section II, Question 6 on the health services provided by Administrative Services Only (ASO) health plans.

RESPONSE AND EXPLANATION OF CHANGE: The Department does not concur with the opinion of MAHP that information about preventive health services provided by ASO plans is not useful to the consumer. This question was a subject of considerable discussion at last year's advisory committee meeting. It was decided that gathering some information about the covered benefits for persons enrolled in these types of plans would be useful. It is our understanding that there are different benefits for ASO vs. non-ASO members, as well as across the ASO contracts. The Department recognizes that plans do not control the types of preventive services offered to ASO enrollees. However we are interested in knowing what coverage the ASO enrollees have for the preventive services that are currently required of the ERISA exempt plans. This survey item has primary relevance for comparing the ASO enrollee population to the ERISA exempt population, across all plans, rather than for plan-specific comparisons. We have been advised that plans have some problems with the collection of information on the percent of ASO enrollment that are covered for the preventive services listed. Given this constraint, the Department agrees to amend Question 6 in Table D-Section II by deleting the column titled—Percent of ASO Enrollment Covered.

COMMENT: Comments were received from the Missouri Association of Health Plans (MAHP) recommending deletion of Section III from Table D.

RESPONSE AND EXPLANATION OF CHANGE: The data collected in Section III of Table D are intended to monitor plan referral to facilities that perform appropriate volume of high-risk procedures. The Department believes these data are important to promote the reduction of medical errors. However, the Department agrees to suspend inclusion of Section III in the Table D survey until we have more experience with analysis of data previously collected on this topic.

19 CSR 10-5.010 Monitoring Health Maintenance Organizations Definitions

Table D**Managed Health Care Services****File Specifications**

Responses to the survey items in Table D must be submitted electronically, in a data file format specified by the Department.

Table D must be completed for each managed care product line (Commercial, Medicaid, or Medicare) offered by each licensed health care plan. Responses should be based on activity or status during the reporting period, within each product line (payer). Survey questions in Table D shall apply, except where otherwise noted, only to fully insured (ERISA exempt) enrollments.

Table D
Managed Health Care Services
Reporting Period: CY 2000

I. HEALTH PLAN INFORMATION

Instructions: Submit one set of Table D information, Parts I and II, for each product line (i.e. type of payor) offered by your organization.

1.) Product Line (CHECK ONE): ☐ Commercial ☐ Medicare ☐ Medicaid

2.) Missouri Department of Insurance Licensed Plan Name:

_____ Dba (if applicable): _____

3.) Extended NAIC Identification Number (7-digit): _____

4.) Name as marketed to your members (for Consumer's Guide display purposes):

5.) List the following for each of your products within this product line:

Marketed		-----Phone Numbers-----	
a.) <u>Product Name</u>	b.) <u>HMO/POS</u>	c.) <u>Customer Service</u>	d.) <u>RN Hotline</u>
_____	_____	_____	_____
_____	_____	_____	_____

6.) Through what organization was your managed care organization accredited as of :

a.) *January 1, 2000?*

Accrediting organization: ☐ NCQA ☐ URAC ☐ JCAHO ☐ None
Level of Accreditation: _____

b.) *December 31, 2000?*

Accrediting organization: ☐ NCQA ☐ URAC ☐ JCAHO ☐ None
Level of Accreditation: _____

7.) Managed Care Organization Contact Person for Table D Information:

a.) Name: _____ b.) Title: _____

c.) Phone: _____ d.) Fax: _____ e.) E-mail: _____

Table D
Managed Health Care Services
Reporting Period: CY 2000

II. HEALTH PLAN SERVICES

1.) Please indicate for each of the following high risk conditions/diseases, if your managed care plan (A) has screening mechanisms, (B) provides case management, (C) provides specific educational materials to persons-at-risk, and (D) distributes educational material for all plan enrollees*. (CHECK ALL THAT APPLY)

<u>High Risk Conditions/Diseases</u>	<u>(A) Screening Mechanisms</u>	<u>(B) Case Management</u>	<u>(C) Education for Persons-at-risk</u>	<u>(D) Education for All Plan Enrollees</u>
Asthma	()	()	()	()
Stroke/Cardiovascular Disease	()	()	()	()
Breast Cancer	()	()	()	()
Cervical Cancer	()	()	()	()
Ovarian Cancer	()	()	()	()
Congestive Heart Failure (CHF)	()	()	()	()
Chronic Obstructive Pulmonary Disease (COPD)	()	()	()	()
Diabetes	()	()	()	()
Depression	()	()	()	()
HIV	()	()	()	()
Sickle Cell Disorders	()	()	()	()
High Risk Pregnancy	()	()	()	()
Obesity	()	()	()	()
Lead Poisoning	()	()	()	()
Chlamydia:				
Females	()	()	()	()
Males	()	()	()	()
High Blood Pressure	()	()	()	()
Tobacco Use	()	()	()	()
Other _____	()	()	()	()
(PLEASE SPECIFY)				

*Education strategies for all plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.

2.) Please indicate if your managed care plan provides any of the following:

- a.) Routine distribution of educational materials
on general health promotion, disease prevention
and wellness () YES () NO
- b.) Distribution of pre- and post-surgical
information to enrollees () YES () NO

Note: The term *reminder/recall* in Questions 3a – 4b refers to notices intended to insure timely scheduling of the specific preventive screening/test or service indicated. General education materials or notices tied to anniversary dates, such as birthdays or enrollment dates, do not meet this definition.

3a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 3b)

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Pap smears	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

3b.) **Medicare only**

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Well-woman checks	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

4a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 4b)

Do you provide reminder/recall letters for your providers to use to notify your enrollees of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Pap smears	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

4b.) **Medicare only**

Do you provide reminder/recall letters for your providers to use to notify your enrollees of the following preventive services?

Mammograms	() YES	() NO
Immunizations	() YES	() NO
Well-woman checks	() YES	() NO
Diabetic Screens/Tests	() YES	() NO

5.) Commercial only

During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

	<u>Non-ASO Products Only</u>			
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by rider clause</u>	<u>Not Offered</u>
Rx coverage of prenatal vitamins, including folic acid.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Depo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Annual eye exam for refractive errors.....	()	()	()	()
Insulin pumps.....	()	()	()	()
Autologous bone marrow transplants.....	()	()	()	()
Stem cell rescue for breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Smoking cessation classes or cessation medications..	()	()	()	()
Conduct wellness surveys*	()	()	()	()

*A wellness survey is a questionnaire on health behaviors. It does not refer to a physical exam.

6.) During the reporting period, did your plan manage the following health services for your ASO group contracts? For each of the health services listed below, please indicate if it was elected as a covered benefit in all the ASO contracts with your plan, in some of the ASO contracts, or in none of the ASO contracts. (CHECK ONE COLUMN ONLY) Also indicate the proportion of your total ASO member enrollment who have coverage for the health service.

Selected Covered Benefits:			
ASO Contracts			
	All Contracts	Some Contracts	None of the Contracts
Immunizations.....	()	()	()
Mammograms	()	()	()
Pap Smears.....	()	()	()

7.) For each preventive service listed below, please indicate (A) if your plan provided physicians routine status reports on the delivery of these services to their panel members and (B) if your plan sent comparative information to the physicians, during the reporting year. Following each response, enter a brief description of the report(s) or information that you sent.

	(CHECK IF YES)	Description of Report(s)	(CHECK IF YES)	Description of Report(s)
	(A) Plan Provided Reports		(B) Plan Sent Comparative Data	
Childhood Immunizations.....	()	_____	()	_____
Adolescent Immunizations.....	()	_____	()	_____
Breast Cancer Screenings.....	()	_____	()	_____
Pap Smears.....	()	_____	()	_____
Chlamydia Screenings:				
Females.....	()	_____	()	_____
Males.....	()	_____	()	_____
Lead Screenings:				
12 and 24 months.....	()	_____	()	_____
Under 6 if no prior blood test.....	()	_____	()	_____
Cholesterol Management after Acute Cardiovascular Event: LDL-C Screenings	()	_____	()	_____
Beta Blocker Treatment After Heart Attack.....	()	_____	()	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	()	_____	()	_____
Retinal Disease Eye Exam.....	()	_____	()	_____
LDL-C (Lipids) Testing	()	_____	()	_____
Nephropathy Screenings.....	()	_____	()	_____
Annual Flu Shots for Older Adults.....	()	_____	()	_____
Tobacco Cessation Counseling.....	()	_____	()	_____
Other (Please specify).....	()	_____	()	_____

- 8.) Does your plan routinely conduct continuing education with your providers to improve their knowledge on current clinical practice recommendations?

() YES () NO

- 9.) Please indicate the administrative policies for your HMO (non-POS) plan products, as they applied to your non-ASO members during the reporting year. (CHECK A RESPONSE FOR EACH POLICY LISTED)

	<u>YES All HMO Product</u>	<u>YES Some HMO Products</u>	<u>NO No HMO Products</u>
a.) Allow access to within-network OB/GYNs other than the once per year visit without referral	()	()	()
b.) PCP must obtain prior authorization from HMO or its agency for referral to within-network, non-OB/GYN medical/surgical specialists	()	()	()
c.) Allow members to self-refer to within-network medical/surgical specialists, other than OB/GYN	()	()	()
d.) Allow members to self-refer to within-network mental health specialists	()	()	()
e.) Allow medical specialists other than OB/GYN to be designated as PCP for patients with a chronic disease	()	()	()
f.) Members can access some health practitioners, other than medical/surgical or mental health specialists, without referral or prior authorization	()	()	()

- g.) If YES for all or some products on Question 9f.), list the additional types of providers that can be accessed without referral or prior authorization:

All Products

Some Products

10.) For each of the practitioner categories below, indicate the number you had in your plan network during the reporting year and the number of that total which your MCO verified, within the past two years, as being board certified.

	<u>Number of Practitioners</u>	<u>Number Who Are Board Certified</u>
a.) Primary Care Physicians (excluding OB/GYNs)	_____	_____
b.) Medical/Surgical Specialists (excluding OB/GYNs)	_____	_____
c.) OB/GYNs	_____	_____
d.) Chiropractors	_____	_____
e.) Mental Health Providers	_____	_____
f.) General Dentists	_____	_____

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 5—Missouri World War II Veteran's
Recognition Program**

IN ADDITION

This in addition corrects a typographical error in this rule which was published in the October 16, 2000 *Missouri Register* (25 MoReg 2528). In subsection (3)(B), the year in the sentence which reads ". . . created by the Regional Council of Normandy, France, in 1944." should have read **1994**. The subsection is reprinted here for clarity.

11 CSR 10-5.010 Missouri World War II Veterans' Recognition Program

(3) Design.

(B) The "D-Day" June 6, 1944, Invasion of Europe recognition medal is the "Jubilee of Liberty" created by the Regional Council of Normandy, France, in 1994.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 10—Reporting of Motor Vehicle Stops by Law
Enforcement Agencies**

IN ADDITION

This in addition corrects a typographical error in this rule which was published in the September 15, 2000 *Missouri Register* (25 MoReg 2312). There were two sections numbered (4). The second of these which began, "The terms "Terry frisk" or "Terry search" shall mean . . ." should have been numbered as section (5). Sections (4) and (5) are reprinted here for clarity.

15 CSR 60-10.010 Definitions

(4) The term "Terry stop" shall mean a stop of an individual where specific and articulable facts, together with all rational inferences, suggest that the driver is involved in criminal activity. A Terry stop is an investigatory stop that is not an arrest and can be justified by less than the probable cause necessary for an arrest.

(5) The terms "Terry frisk" or "Terry search" shall mean a limited pat-down or frisk of the driver or his or her automobile for weapons which occurs when there are specific and articulable facts which, taken together with rational inferences from those facts, would lead a peace officer reasonably to believe the driver is armed and presently dangerous to the officer or others.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the April 2, 2001 Certificate of Need meeting. These applications are available for public inspection at the address shown below.

12/07/00

#3017 FS: Metro Normandy Dialysis
\$1,463,996, Replace/expand dialysis center
St. Louis (St. Louis County)

01/18/01

#3063 HS: SSM Cardinal Glennon Children's Hospital
\$26,822,572, Modernize/expand facility
St. Louis (St. Louis City)

#3081 FS: GAMBRO Healthcare-St. Louis
\$1,947,595, Replace/expand outpatient dialysis facility
St. Louis (St. Louis County)

#3086 HS: St. Joseph Hospital West
\$4,406,650, Expand/renovate emergency department
Lake Saint Louis (St. Charles County)

#3085 HS: Saint Luke's Northland
\$39,274,000, Expand/renovate facility
Kansas City (Platte County)

#3084 FS: Discover Eye Surgery Center
\$2,647,084, Establish ambulatory surgery center
Independence (Jackson County)

#3062 HS: Missouri Baptist Medical Center
\$11,496,910, Reconfigure obstetrical services
St. Louis (St. Louis county)

#3080 FS: Mid-Missouri Medical Foundation
\$1,930,000, Replace magnetic resonance imager
Jefferson City (Cole County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received at the address listed below by February 21, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact Donna Schuessler, 573-751-6403.

Title 20—DEPARTMENT OF INSURANCE

IN ADDITION

Pursuant to section 538.210, RSMo regarding the medical malpractice award limit, the director of insurance is required to calculate the new limitation for noneconomic damages in medical malpractice awards.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 538.210, RSMo, the new limit was established by the following calculations:

Index Based in 1996 Dollars

Fourth Quarter 2000 IPD Index 108.17

Fourth Quarter 1999 IPD Index 105.66

New Limit = 2000 Limit \times (2000 Index/1999 Index)

540,116 = 527,583 \times (1.0817/1.0566)

2001 Non-Economic Damages Limit (Rounded) = \$540,000

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A & J CONSTRUCTION CO	RT 1 BOX 45	FLORIS	IA	52560
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
ABELL PEST CONTROL INC	4921 FERNLEE AVE	ROYAL OAK	MI	48073
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27283
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADAMS DOOR CO INC	6550 NE 14TH ST	DES MOINES	IA	50313
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADUDDRELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED ELECTRICAL SYSTEMS INC	33887 W 28TH ST	PAOLA	KS	66071
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AGRA FOUNDATIONS INC	10108 32ND AVE W C-3 #A2	EVERETT	WA	98204
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
AMAN ENVIRONMENTAL CONSTRUCTION INC	100 CALIFORNIA ST TX DEPT	SAN FRANCISCO	CA	94111
AMERICAN IRONWORKS INC	100 S MAIN	CUTLER	IL	62238
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
AMERWEST DEVELOPMENT CO	1860 OLD OKEEHOBE RD #508	W PALM BEACH	FL	33409
ANDERSEN TRENCHING & EXCAVATING INC	17283 SUMAC RD	HONEY CREEK	IA	51542
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
API INC	2356 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
ARCHITECTURAL GLAZING PROFESSIONALS	11555 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ASSOCIATED ELECTRICAL SERVICES LLC	1225 COPPER CRK DR STE J	PLEASANT HILL	IA	50327
AUGERS UNLIMITED INC	14910 METROPOLITAN AVE	BONNER SPRNGS	KS	66012
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
BADGER INDUSTRIAL CONTRACTORS INC	105 FAIRVIEW RD	ASHEVILLE	NC	28803
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BASTIAN MATERIAL HANDLING	9820 ASSOCIATION CT	INDIANAPOLIS	IN	46280
BAZIN EXCAVATING INC	15233 BROADMOOR	OVERLAND PARK	KS	66283
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION QD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOB MUEHLBERGER CONCRETE INC	5726 MERRIAM DR	MERRIAM	KS	66203
BONNEVILLE CONSTRUCTION CO INC	4075 W DESERT INN RD # B	LAS VEGAS	NV	89102
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRIGHTON PAINTING CO	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUNDAGE BONE CONCRETE PUMPING INC	6461 DOWNING ST	DENVER	CO	80229
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CALLS METAL BLDG ERECTORS INC	8126 12TH ST	SOMERS	WI	53171
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CATHODIC SYSTEMS INC	P O BOX 114	JUNEAU	WI	53039
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD PETERS CONSTRUCTION CO	IL RT 3 & W PONTOON RD	GRANITE CITY	IL	62040
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15460 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHANCE CONCRETE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHANCELLOR & SON INC	7474 RALEIGH LAGRANGE RD	CORDOVA	TN	38018
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CLEVINGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62821
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COE CONSTRUCTION INC	2302 E 13TH ST	LOVELAND	CO	80537
COLE ARMSTRONG MECHANICAL INC	3232 51ST AVE #7	SACRAMENTO	CA	95823
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMUNICATIONS CONSTRUCTION INC	601 E ST	HAMBURG	IA	51640
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONCO CONTRACTORS INC	1048 CIMARRON TRAIL	GARDNER	KS	66030
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTRACTOR SERVICES INC	122 EAST 17TH ST	DAVENPORT	IA	52808
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	431 N 13TH	SALINA	KS	67401
COST OF WISCONSIN INC	W172N13050 DIVISION RD	ROCKFIELD	WI	53077
COWARTS CONSTRUCTION COMPANY INC	WILDERNESS RD	SALEM	AR	72576
COWEN CONSTRUCTION INC	1110 W 23RD ST	TULSA	OK	74107
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB TANK SERVICES LLC	1900 N 181ST E AVE	TULSA	OK	74116
CUSTOM ROCK INTERNATIONAL	1156 HOMER ST	ST PAUL	MN	55116
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
CYLX CORPORATION	BOX 1087	BARTLESVILLE	OK	74005
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	420 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50685
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DEI INC	1550 KEMPER MEADOW DR	CINCINNATI	OH	45240
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DEMCO INC	236 LEIN RD	BUFFALO	NY	14224
DEMTech INC	65 BALD MOUNTAIN RD38	DUBOIS	WY	82513
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOSTER CONSTRUCTION CO INC	2619 COMMERCE BLVD	BHAM	AL	35210
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	68762
DRAINAGE & GROUND IMPROVEMENT INC	275 MILLERS RUN RD	BRIDGEVILLE	PA	15017
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUDDING ENTERPRISES INC	1910 ESTELLE LANE	PLACENTIA	CA	92870
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ENERGY CONTROL SYSTEMS	357 MIXON LN	OZARK	AL	36360
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ENTRUP DRYWALL & PAINTING INC	3 SLUFF VIEW RD	QUINCY	IL	62301
ENVIRONMENTAL SYSTEMS DESIGN INC	55 E MONROE ST STE 1660	CHICAGO	IL	60603
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62084
ESCO ELECTRICAL SERVICES INC	520 E MAIN	EL DORADO	AR	71730
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXCEL CABLE CONSTRUCTION INC	11501 COLUMBIA PK DR WEST	JACKSONVILLE	FL	32258
EXCEL ENGINEERING INC	500 73RD AVE NE # 119	FRIDLEY	MN	55432
EXHIBIT SOURCE INC	1000 MAPLE AVE	HOMEWOOD	IL	60430
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FISHEL COMPANY THE	1610 ARLINGATE LN	COLUMBUS	OH	43226
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FLYING A PETROLEUM SERVICES LLC	2700 E PATRICK LANE	LAS VEGAS	NV	89120
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FOUR SEASONS AC HTG & REFRIG INC	1202 NW 5TH	ABILENE	KS	67410
FREESIN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GALE INDUSTRIES INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	628 VERMONT	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEORGE M RAYMOND CO	520 W WALNUT AVE	ORANGE	CA	92668
GFS LIFESAFETY CORP	LGR 740A RT 3 BOX 62B	THORNTON	TX	76687
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAYLING INCORPORATED	10258 SANTA FE DR	OVERLAND PARK	KS	66212
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT BARRIER ISULATION CO	1200 CORPORATE DR STE 325	BIRMINGHAM	AL	35238
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
GREAT SOUTHWESTERN CONSTRUCTION INC	6680 SO I 25	CASTLE ROCK	CO	80104
H & H SERVICES INC	391 OLD RTE N 86	HAMEL	IL	62046
H & L ELECTRIC INC	8651 E HIGHWAY 24	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	5200 S YALE STE 610	TULSA	OK	74135
HANLIN RAINALDI CONSTRUCTION CORP	6610 SINGLETREE DR	COLUMBUS	OH	43229
HANSON ELECTRIC OF BEMIDJI INC	3125 BEMIDJI AVE N	BEMIDJI	MN	56601
HARBERT YEARGIN INC	106 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARNES ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HARTCO CABLE INC	P O BOX 32	GENESEO	IL	61254
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HEAD INC	4620 E FIFTH AVE	COLUMBUS	OH	43219
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HENNESSY SURVEYING	P O BOX 384	FORT BRANCH	IN	47648
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HENRIKSEN CONSTRUCTION INC	4503 2ND AVE #101	KEARNEY	NE	68847
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	7611 SOUTH OSBORNE RD	UPPER MARLBORO	MD	20772
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSLTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON POWER & TELEPHONE CONSTRUCTION CO	ALONG HWY 45	RUSHVILLE	MO	64484
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INNOVATIVE SYSTEMS OF KANSAS INC	2915 STRONG AVE	KANSAS CITY	KS	66106
INSULCON COMPANY INC	10500 UNIVERSITY CTR #155	TAMPA	FL	33612
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62296
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES CAPE & SONS CO	6422 N HWY 31	RACINE	WI	53401
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JANSSEN GLASS & MIRROR INC	5002 HADLEY	OVERLAND PARK	KS	66202
JARVIS C DAWSON	2121 E ROCK CREEK	NORMAN	OK	73071
JAY MCCONNELL CONSTRUCTION INC	8242 MARSHALL DR	LENEXA	KS	66214
JE CAMPBELL INC	HWY 45E SOUTH	SOUTH FULTON	TN	38257
JET HEATING INC	P O BOX 7362	SALEM	OR	97303
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL BUILDERS INC	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JR STELZER CO	5850 RUSSELL DR	LINCOLN	NE	68507
JS ROLLINS INC	1776 VFW ROAD	BARLOW	KY	42024
JT ROOFING INC	350 TOWER DR	SAUKVILLE	WI	53080
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KAJIMA ASSOCIATES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KAJIMA CONSTRUCTION SERVICES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	07632
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	PO BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3809 E SUPERIOR AVE	PHOENIX	AZ	85040
KEITH AUSTIN	3001 WEDINGTON DR #108	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KELLY CONSTRUCTION INC	P O BOX 32152	OKLAHOMA CITY	OK	73123
KENJURA TILE INC	BOX 158	BRENNHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KIM CONSTRUCTION CO INC	3142 HOLEMAN	STEEGER	IL	60475

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KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KM PIPELINE CONSTRUCTION INC	5820 SOONER TREND RD	ENID	OK	73701
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N55W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53061
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & J CONSOLIDATED ENTERPRISES INC	107 OXFORD	HARRISON	AR	72601
L & L CONSTRUCTION SERVICES INC	107 3RD ST	DES MOINES	IA	50309
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53156
LANDSCAPES UNLIMITED INC	1601 OLD CHENEY RD	LINCOLN	NE	68512
LARRY C MCCRAE INC	3333 W HUNTING PARK AVE	PHILADELPHIA	PA	19132
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LESSARD NYREN UTILITIES INC	17385 FOREST BLVD N	HUGO	MN	55038
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIFE SAFETY INC	12426 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	3000 NORTHFIELD PL ST1100	ROSWELL	GA	30076
LINAWEAVER CONSTRUCTION INC	24000 147TH ST	LEAVENWORTH	KS	66048
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONG CONSTRUCTION INC	1506 MORGAN	PARSONS	KS	67357
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LOWE NORTH CONSTRUCTION INC	800 A LINE DR	SPRING HILL	KS	66083
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LUTTENBERGER & CO INC	1501 MONROE ST	TOLEDO	OH	43624
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MANOR ELECTRIC INC	548 WILLOW DRIVE	LONG LAKE	MN	55336
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARICK INC	1710 2ND AVE	DES MOINES	IA	50314
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MARSHALL CONSTRUCTION INC	17739 CARTWRIGHT MTN RD	MOUNTAINBURG	AR	72948
MAX TRUE FIREPROOFING CO	8500 S 39TH AVE	TULSA	OK	74132
MBK CONSTRUCTION LTD	175 TECHNOLOGY	IRVINE	CA	92718
MCADAM LLC	720 N CEDAR	MORAN	KS	66755
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCBURNIE CORPORATION THE	4274 SHACKLEFORD RD	NORCROSS	GA	30091
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526

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MCINNIS BROTHERS CONSTRUCTION INC	119 PEARL ST	MINDEN	LA	71058
MCKNIGHT MASONRY	5319 ROSEWOOD DR	ROELAND PARK	KS	66205
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MCWHORTER & CO INC	P O BOX 907	ANNISTON	AL	36202
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66066
MERVIC INC	1050 A W JEFFERSON	MORTON	IL	61550
METRIC VISION	8500 CINDER BED RD STE150	NEWINGTON	VA	22122
MEYERS TURF FARMS INC	19065 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	PO BOX 429	FORT SCOTT	KS	66701
MID STATES MECHANICAL SERVICES INC	HWY 169 SOUTH	MANKATO	MN	56001
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST DEWATERING COMPANY INC	1333 125TH ST	WHITING	IN	46394
MIDWEST ELEVATOR CO INC	1116 E MARKET STREET	INDIANAPOLIS	IN	46202
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWEST TOWERS INC	2806 COUNTRY CLUB DRIVE	CHICKASHA	OK	73018
MIDWESTERN POWER LINE INC	HWY 75, 2 MI NORTH	DEWEY	OK	74029
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLER DRILLING COMPANY INC	187 HELTON DR	LAWRENCEBURG	TN	38464
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLGARD CORPORATION THE	12822 STARK RD	LIVONIA	MI	48150
MILLPOINT INDUSTRIES INC	3010 A S ELM EUGENE ST	GREENSBORO	NC	27406
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSOURI VALLEY INC	4614 MCCARTY BLVD	AMARILLO	TX	79110
MODERN PIPING INC	P O BOX 128	CEDAR RAPIDS	IA	52406
MOORHEAD ELECTRIC INC	2419 12TH AVE S	MOORHEAD	MN	56560
MORGAN MARSHALL INDUSTRIES INC	383 E 16TH ST	CHICAGO HEIGHTS	IL	60411
MORNINGSTAR CONSTRUCTION CO	8751 GODDARD	OVERLAND PARK	KS	66214
MOSLEY ELECTRIC INC	POST OFFICE BOX 799	QUINCY	IL	62301
MOUNTAIN MECHANICAL CONTRACTORS INC	2210 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MTA INDUSTRIAL PAINTING CORPORATION	1055 N PINELLAS AVE	TARPON SPGS	FL	34689
MULTI CRAFT CONTRACTORS INC	2300 LOWELL RD	SPRINGDALE	AR	72764
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102

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MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MW BUILDERS OF KANSAS INC	11100 ASH ST STE 210	LEAWOOD	KS	66211
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL COATING & MFG INC	ROUTE 5 BOX 285	ADA	OK	74820
NATIONAL CONDUCTOR	4146 HWY 371 NORTH	BRAINERD	MN	56401
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL INDUSTRIAL MAINTENANCE SER	121 EDWARDS DR	JACKSON	TN	38302
NATIONAL SERVICE CLEANING CORP	3575 W 12TH ST	HOUSTON	TX	77008
NATIONAL STEEL ERECTORS	PO BOX 709	MUSKOGEE	OK	74402
NEBCO STEEL ERECTORS INC	2001 A ADAMS ST	GRANITE CITY	IL	62040
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NETWORK CONSTRUCTION SERVICES INC	2606 700 PHOENIX DR	GREENSBORO	NC	27406
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48063
NEWTRON INC	8183 W EL CAJON DR	BATON ROUGE	LA	70815
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	11325 PENNYWOOD AVE	BATON ROUGE	LA	70809
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1605 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
OIL FIELD ELECTRIC	P O BOX 247	WEST FRANKFORT	IL	62896
OMNITECH ROBOTICS INC	2640 S RARITAN CIR	ENGLEWOOD	CO	80110
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PACE AND WAITE INC	7501 S MEMORIAL PKWY #205	HUNTSVILLE	AL	35892
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PARKWAY CONSTRUCTION & ASSOCIATES I	1660 S STEMMONS #340	LEWISVILLE	TX	75067
PAVEMENT SPECIALISTS INC	15 238 CO RD M1	NAPOLEON	OH	43545
PEOPLE & MACHINES CORP	2468 33RD AVE	COLUMBUS	NE	68601
PERINI CORPORATION	73 MT WAYTE AVENUE	FRAMINGHAM	MA	01701
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595

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PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PHAROS CONTRACTING CO INC	P O BOX 180Z	POINT PLEASANT BEACH	NJ	08742
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PIPING COMPANIES INC	1520 S 129TH W AVE	SAND SPRINGS	OK	74063
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	05407
PLANT PAINTING & MAINTENANCE INC	P O BOX 3213	PORT ARTHUR	TX	77643
PLASTOCOR INC	25 INDUSTRIAL PARK RD	HINGHAM	MA	02043
FLOWMAN CONSTRUCTION COMPANY INC	8249 W 96TH ST STE 105	OVERLAND PARK	KS	66212
PNEUMATIC SYSTEMS INSTALLATION INC	11213 RILEY	OVERLAND PARK	KS	66210
POULTRY BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
PRECAST ERECTORS INC	13400 TRINITY BLVD	EULESS	TX	76040
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149
PRO QUIP CORPORATION	9522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TER	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSIDB INC	W232 S7530 BIG BEND DR	BIG BEND	WI	53103
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66205
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66051
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3585 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62096
RD OLSON CONSTRUCTION A CA LP	2955 MAIN ST 3RD FLR	IRVINE	CA	92614
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECLAMATION ASSOCIATES INC	105 S MAIN	WALNUT	KS	66780
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RENTENBACH CONSTRUCTORS INC	2400 SUTHERLAND AVE	KNOXVILLE	TN	37919
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	02359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RICHARDSON CORPORATION	WATER PLANT RD	OWINGSVILLE	KY	40360

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RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	10912 W 71ST PL	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROBERTSON PAINTING INC	3116 S ARROWHEAD CT	INDEPENDENCE	MO	64057
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46225
ROLLING PLAINS CONSTRUCTION INC	12331 PEORIA ST	HENDERSON	CO	80540
ROMAN MOSAIC & TILE CO	1105 SAUNDERS CR	WEST CHESTER	PA	19380
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
ROYALTY ELECTRIC	1031 VERMONT ST	QUINCY	IL	62301
RP INDUSTRIES INC	105 REYNOLDS DR	FRANKLIN	TN	37064
RSJ CONSTRUCTION INC	2705 HOLLOWAY PRAIRIE RD	PINEVILLE	LA	71360
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66752
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
SAGEZ CONSTRUCTION INC	HO61 BOX 17	HARDIN	IL	62047
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMAGIC INC	1626 COLE BLVD #200	GOLDEN	CO	80401
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY S-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAW CONTRACT FLOORING SERVICES INC	616 E WALNUT AVE	DALTON	GA	30722
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOPTIC PANNELL CONSTRUCTION CO INC	2038 S 49TH ST	KANSAS CITY	KS	66106
SOUTHERN ELECTRICAL SERVICES INC	445 METROPLEX DR	NASHVILLE	TN	37211
SPARKS & WIEWEL CONSTRUCTION CO	5200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STAR CONTRACTING SERVICE INC	11245 S PENROSE	OLATHE	KS	66061
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STEVENS ELECTRIC OF QUINCY INC	526 S 9TH ST	QUINCY	IL	62306
STORY CONSTRUCTION CO	300 S BELL AVE	AMES	IA	50010
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215

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STRUHEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNBELT INSULATION CO INC	P O BOX 381491	BIRMINGHAM	AL	35238
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR CONCRETE PRODUCTS	P O BOX 201625	ARLINGTON	TX	76006
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SYLVAN INDUSTRIAL PIPING INC	815 AUBURN AVE	PONTIAC	MI	48342
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
T SQUARE MILLWRIGHT SERVICES INC	BOX 519	N WEBSTER	IN	46555
TAFT CONTRACTING CO INC	5525 W ROOSEVELT	CICERO	IL	60804
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56021
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14755 202ND ST	BLOOMFIELD	IA	52537
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODO RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	363 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASpan INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66106
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL MACHINERY ERECTORS INC	3106 CLAY TURNER RD	PLANT CITY	FL	33566
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VERSATILE INSTALLATIONS INC	10065 S ANDERSON DR	CHGO RIDGE	IL	60415

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VISTA CONSTRUCTION INC	2526 EAST 71ST ST STE E	TULSA	OK	74136
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAWKEE	WI	53072
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	BELLEVILLE	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 200	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66648
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY INC	800 SECOND AVE	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN INDUSTRIAL CONTRACTORS INC	5301 JOLIET ST	DENVER	CO	80239
WESTERN METAL PRODUCTS LC	1452 W 1500 S	WOODS CROSS	UT	84067
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITEFORD CONSTRUCTION CO INC	1805 DOOLEY RD	WHITEFORD	MD	21160
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WIEMELT PLUMBING & EXCAVATING INC	2709 PARKER DR	QUINCY	IL	62301
WILLIAMS BUILDING CORPORATION	10633 RENE	LENEXA	KS	66215
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WITCHER CONSTRUCTION CO	9855 W 78TH ST	MINNEAPOLIS	MIN	55344
WOODS CONSTRUCTION INC	34650 KLEIN	FRASER	MI	48026
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
YORK CONTRACTORS INC	21025 W 105TH ST	OLATHE	KS	66061
YOUNG INSULATION GROUP OF NASHVILLE INC	7119 COCKRILL BEND IND BL	NASHVILLE	TN	37209
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 1/29/2001 11:05:59 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

Notice of Limited Liability Company Dissolution to
Creditors and Claimants Against
Kazanas, Klar, Izsak & Stenger, L.L.C.

On September 25, 2000, Kazanas, Klar, Izsak & Stenger, L.L.C. ("Limited Liability Company") filed its Articles of Termination for Limited Liability Company with the Missouri Secretary of State. A Certificate of Termination for the Limited Liability Company was issued by the Missouri Secretary of State on September 25, 2000.

All persons asserting claims against the Limited Liability Company should contact the Winding Down Committee of Kazanas, Klar, Izsak & Stenger, L.L.C., c/o Brian D. Klar, Attorney at Law, 7751 Carondelet, Suite 500, Clayton, Missouri 63105, and provide the following information: Claimant's name, address and telephone number; the amount claimed; the date the claim accrued; a brief description of the claim; whether the claim is secured, and if so, the collateral used as security; and documentation of the claim. All claims against the Limited Liability Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1E01265 Fabric: Pique 3/1/01;
B1E01269 Trucks: Heavy Duty 3/1/01;
B1E01229 Tractors: Compact 3/5/01;
B3E01160 Family Centered Services Training 3/5/01;
B1E01278 Body Armor: Waterproof 3/6/01;
B1E01288 Utility Body: Aerial Device 3/6/01;
B1Z01285 Grocery-4th Qtr. April-June 3/6/01;
B3Z01157 Financial Redress Administration Services 3/7/01;
B1E01283 Lifts 3/8/01;
B1E01294 Paper, Computer 3/8/01;
B3Z01104 First Steps Systems Point of Entry (SPOE) 3/8/01;
B1E01252 Vehicles: All Terrain and Utility 3/9/01;
B1E01284 Oil, Fuel #2 Winterized 3/9/01;
B1E01218 Maintenance Service: Mailing Equipment 3/13/01;
B3Z01155 Marketing/Advertising Services-Missouri State Fair
3/14/01;
B3Z01135 Utilization/Prior Authorization Review Services
3/16/01;
B3Z01123 Research and Analysis Services 3/29/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Proprietary Maintenance-Bell & Howell Mail Inserter (Mailstar 500), supplied by Bell & Howell.
- 2.) Mainview Software Maintenance, supplied by BMC Software, Inc.

Arthritis Program Evaluation, supplied by St. Louis University School of Public Health.

Joyce Murphy, CPPO,
Director of Purchasing

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535
	.....				25 MoReg 2478
1 CSR 10-15.010	Commission of Administration	26 MoReg 103			
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390		
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391		
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392		
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393		
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394		
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395		
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R		
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R		
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R		
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R		
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R		
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R		
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R		
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R		
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R		
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R		
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R		
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2872		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		25 MoReg 2872		
1 CSR 20-6.010	Personnel Advisory Board and Division of Personnel		25 MoReg 2873		
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 30-10.010	Animal Health	26 MoReg 5	25 MoReg 2515	26 MoReg 346	
2 CSR 70-13.030	Plant Industries		25 MoReg 2370		
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		26 MoReg 319		
3 CSR 10-4.115	Conservation Commission		26 MoReg 319		
3 CSR 10-7.455	Conservation Commission		25 MoReg 2214	25 MoReg 2735	
	.....		N.A.	26 MoReg 60	26 MoReg 75
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.085	Missouri State Board of Accountancy		25 MoReg 2373R	26 MoReg 281R	
4 CSR 10-2.090	Missouri State Board of Accountancy		25 MoReg 2373R	26 MoReg 281R	
4 CSR 10-2.095	Missouri State Board of Accountancy		25 MoReg 2373	26 MoReg 281	
4 CSR 15-1.010	Acupuncturist Advisory Committee		25 MoReg 2374		
4 CSR 15-1.020	Acupuncturist Advisory Committee		25 MoReg 2375		
4 CSR 15-1.030	Acupuncturist Advisory Committee		25 MoReg 2375		
4 CSR 15-1.040	Acupuncturist Advisory Committee		25 MoReg 2379		
4 CSR 15-2.010	Acupuncturist Advisory Committee		25 MoReg 2379		
4 CSR 15-2.020	Acupuncturist Advisory Committee		25 MoReg 2384		
4 CSR 15-2.030	Acupuncturist Advisory Committee		25 MoReg 2388		
4 CSR 15-2.040	Acupuncturist Advisory Committee		25 MoReg 2392		
4 CSR 15-3.010	Acupuncturist Advisory Committee		25 MoReg 2392		
4 CSR 15-3.020	Acupuncturist Advisory Committee		25 MoReg 2395		
4 CSR 15-3.030	Acupuncturist Advisory Committee		25 MoReg 2395		
4 CSR 15-4.010	Acupuncturist Advisory Committee		25 MoReg 2396		
4 CSR 15-4.020	Acupuncturist Advisory Committee		25 MoReg 2397		
4 CSR 15-5.010	Acupuncturist Advisory Committee		25 MoReg 2397		
4 CSR 15-5.020	Acupuncturist Advisory Committee		25 MoReg 2401		
4 CSR 30-6.015	Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 12		
4 CSR 30-6.020	Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 17		
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 60-1.025	State Board of Barber Examiners		26 MoReg 20		
4 CSR 60-1.030	State Board of Barber Examiners		26 MoReg 22		
4 CSR 60-4.015	State Board of Barber Examiners		26 MoReg 24		
4 CSR 90-7.010	State Board of Cosmetology		26 MoReg 322R		
	.....		26 MoReg 322		
4 CSR 90-11.010	State Board of Cosmetology		26 MoReg 328		
4 CSR 90-13.010	State Board of Cosmetology		26 MoReg 24		
4 CSR 100	Division of Credit Unions				26 MoReg 291
	.....				26 MoReg 465
4 CSR 100-2.045	Division of Credit Unions		25 MoReg 2877		
4 CSR 100-2.185	Division of Credit Unions		26 MoReg 174		
4 CSR 100-2.220	Division of Credit Unions		26 MoReg 174		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		25 MoReg 2404	26 MoReg 281	
4 CSR 140-2.070	Division of Finance		26 MoReg 328		
4 CSR 140-2.138	Division of Finance		26 MoReg 328		
4 CSR 140-6.085	Division of Finance		26 MoReg 329		
4 CSR 150-3.010	State Board of Registration for the Healing Arts		25 MoReg 2406	26 MoReg 282	
4 CSR 150-3.060	State Board of Registration for the Healing Arts		25 MoReg 2515	26 MoReg 346	
4 CSR 150-3.080	State Board of Registration for the Healing Arts		25 MoReg 2516	26 MoReg 346	
4 CSR 150-3.170	State Board of Registration for the Healing Arts		25 MoReg 2518	26 MoReg 346	
4 CSR 150-3.203	State Board of Registration for the Healing Arts		25 MoReg 2406	26 MoReg 282	
4 CSR 150-4.056	State Board of Registration for the Healing Arts		25 MoReg 2406	26 MoReg 282	
4 CSR 150-4.060	State Board of Registration for the Healing Arts		26 MoReg 330		
4 CSR 150-4.200	State Board of Registration for the Healing Arts		25 MoReg 2214	26 MoReg 282	
4 CSR 150-4.201	State Board of Registration for the Healing Arts		25 MoReg 2215	26 MoReg 282	
4 CSR 150-4.203	State Board of Registration for the Healing Arts		25 MoReg 2215	26 MoReg 283	
4 CSR 150-4.205	State Board of Registration for the Healing Arts		25 MoReg 2216	26 MoReg 283	
4 CSR 150-4.210	State Board of Registration for the Healing Arts		25 MoReg 2221	26 MoReg 283	
4 CSR 150-4.215	State Board of Registration for the Healing Arts		25 MoReg 2221	26 MoReg 284	
4 CSR 200-2.001	State Board of Nursing		26 MoReg 27		
4 CSR 200-2.010	State Board of Nursing		26 MoReg 28		
4 CSR 200-2.020	State Board of Nursing		26 MoReg 29		
4 CSR 200-2.030	State Board of Nursing		26 MoReg 30		
4 CSR 200-2.050	State Board of Nursing		26 MoReg 30		
4 CSR 200-2.110	State Board of Nursing		26 MoReg 30		
4 CSR 200-2.120	State Board of Nursing		26 MoReg 30		
4 CSR 200-2.180	State Board of Nursing		26 MoReg 31		
4 CSR 200-3.001	State Board of Nursing		26 MoReg 31		
4 CSR 200-3.010	State Board of Nursing		26 MoReg 33		
4 CSR 200-3.020	State Board of Nursing		26 MoReg 34		
4 CSR 200-3.030	State Board of Nursing		26 MoReg 34		
4 CSR 200-3.050	State Board of Nursing		26 MoReg 34		
4 CSR 200-3.110	State Board of Nursing		26 MoReg 34		
4 CSR 200-3.120	State Board of Nursing		26 MoReg 35		
4 CSR 200-3.180	State Board of Nursing		26 MoReg 35		
4 CSR 200-4.010	State Board of Nursing	26 MoReg 112	26 MoReg 175		
4 CSR 205-4.030	Missouri Board of Occupational Therapy		25 MoReg 2407	26 MoReg 284	
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 220-2.018	State Board of Pharmacy		25 MoReg 2789		
4 CSR 220-2.030	State Board of Pharmacy		25 MoReg 2789		
4 CSR 220-2.080	State Board of Pharmacy		25 MoReg 2790		
4 CSR 220-2.090	State Board of Pharmacy		25 MoReg 2791		
4 CSR 220-2.300	State Board of Pharmacy		25 MoReg 2791R		
	.....		25 MoReg 2791		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 220-2.900	State Board of Pharmacy	25	MoReg 2792		
4 CSR 220-5.020	State Board of Pharmacy	25	MoReg 2795		
4 CSR 220-5.030	State Board of Pharmacy	25	MoReg 2795		
4 CSR 232-1.040	Missouri State Committee of Interpreters	26	MoReg 35		
4 CSR 232-3.010	Missouri State Committee of Interpreters	26	MoReg 39		
4 CSR 240-32.130	Public Service Commission	26	MoReg 330		
4 CSR 240-32.140	Public Service Commission	26	MoReg 331		
4 CSR 240-32.150	Public Service Commission	26	MoReg 331		
4 CSR 240-32.160	Public Service Commission	26	MoReg 331		
4 CSR 240-32.170	Public Service Commission	26	MoReg 332		
4 CSR 240-40.020	Public Service Commission	26	MoReg 181		
4 CSR 240-40.030	Public Service Commission	26	MoReg 181		
4 CSR 240-120.130	Public Service Commission	25	MoReg 2520		
4 CSR 240-120.135	Public Service Commission	25	MoReg 2520		
4 CSR 240-121.180	Public Service Commission	25	MoReg 2523		
4 CSR 240-121.185	Public Service Commission	25	MoReg 2523		
4 CSR 240-123.075	Public Service Commission	25	MoReg 2526		
4 CSR 255-2.020	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.030	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.050	Missouri Board for Respiratory Care		This Issue		
4 CSR 255-2.060	Missouri Board for Respiratory Care		This IssueR		
	.....		This Issue		
4 CSR 255-4.010	Missouri Board for Respiratory Care		This IssueR		
	.....		This Issue		
4 CSR 265-10.030	Division of Motor Carrier and Railroad Safety	26 MoReg 112	26 MoReg 203		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-4.020	Division of School Services	25	MoReg 2090R	26 MoReg 60R	
5 CSR 30-261.010	Division of School Services	25	MoReg 2632		
5 CSR 30-345.011	Division of School Services	25	MoReg 2633		
5 CSR 50-270.010	Division of Instruction	25	MoReg 2231	26 MoReg 60	
5 CSR 50-350.040	Division of Instruction	25	MoReg 2636		
	<i>(Changed from 5 CSR 60-120.060)</i>				
5 CSR 50-378.100	Division of Instruction	25	MoReg 2633		
5 CSR 60-120.060	Vocational and Adult Education	25	MoReg 2636		
	<i>(Changed to 5 CSR 50-350.040)</i>				
5 CSR 60-120.070	Vocational and Adult Education	25	MoReg 2090	26 MoReg 61	
5 CSR 60-120.080	Vocational and Adult Education	26	MoReg 209		
5 CSR 60-480.100	Vocational and Adult Education	25	MoReg 2091	26 MoReg 61	
5 CSR 60-900.050	Vocational and Adult Education	25	MoReg 2093	26 MoReg 61	
5 CSR 70-742.141	Special Education	N.A.	26 MoReg 284		
	.....	N.A.	26 MoReg 440		
5 CSR 70-742.170	Special Education	25	MoReg 2234	26 MoReg 62	
5 CSR 80-805.015	Urban and Teacher Education	25	MoReg 2234	26 MoReg 62	
5 CSR 80-805.016	Urban and Teacher Education	25	MoReg 2235	26 MoReg 62	
5 CSR 90-4.120	Vocational Rehabilitation	26	MoReg 212		
5 CSR 90-5.400	Vocational Rehabilitation	26	MoReg 212		
5 CSR 90-5.440	Vocational Rehabilitation	26	MoReg 214		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.030	Commissioner of Higher Education	25	MoReg 2796		
6 CSR 10-5.010	Commissioner of Higher Education	25	MoReg 2796R		
	.....	25	MoReg 2796		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-10.010	Highways and Transportation Commission	26 MoReg 5	26 MoReg 39		
7 CSR 10-10.030	Highways and Transportation Commission	26 MoReg 6	26 MoReg 40		
7 CSR 10-10.040	Highways and Transportation Commission	26 MoReg 7	26 MoReg 41		
7 CSR 10-10.050	Highways and Transportation Commission	26 MoReg 8	26 MoReg 41		
7 CSR 10-10.060	Highways and Transportation Commission	26 MoReg 8	26 MoReg 45		
7 CSR 10-10.070	Highways and Transportation Commission	26 MoReg 9	26 MoReg 45		
7 CSR 10-10.080	Highways and Transportation Commission	26 MoReg 10	26 MoReg 46		
7 CSR 10-10.090	Highways and Transportation Commission	26 MoReg 11	26 MoReg 46		
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10 CSR 25-1.010	Hazardous Waste Management Commission.....		This Issue		
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10 CSR 25-15.010	Hazardous Waste Management Commission.....		This Issue		
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12 CSR 10-3.028	Director of Revenue	25	MoReg 2646R	26	MoReg 449R
12 CSR 10-3.030	Director of Revenue	25	MoReg 2646R	26	MoReg 450R
12 CSR 10-3.032	Director of Revenue	25	MoReg 2647R	26	MoReg 450R
12 CSR 10-3.054	Director of Revenue	25	MoReg 2722R	This IssueR	
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12 CSR 10-41.010	Director of Revenue	25	MoReg 2827		
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13 CSR 15-4.080	Division of Aging		25 MoReg 2428	26 MoReg 454	
13 CSR 15-4.090	Division of Aging		25 MoReg 2428	26 MoReg 454	
13 CSR 15-4.100	Division of Aging		25 MoReg 2428	26 MoReg 454	
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13 CSR 30-5.010	Child Support Enforcement		25 MoReg 2904R		
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13 CSR 70-10.050	Medical Services	25 MoReg 2198	25 MoReg 1971	26 MoReg 67	
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15 CSR 60-10.020	Attorney General	25 MoReg 2285	25 MoReg 2312	26 MoReg 458	
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16 CSR 50-2.050	The County Employees' Retirement Fund	25 MoReg 2659R	26 MoReg 461R		
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16 CSR 50-2.060	The County Employees' Retirement Fund	25 MoReg 2660R	26 MoReg 461R		
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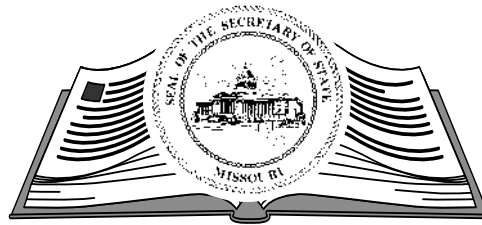
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